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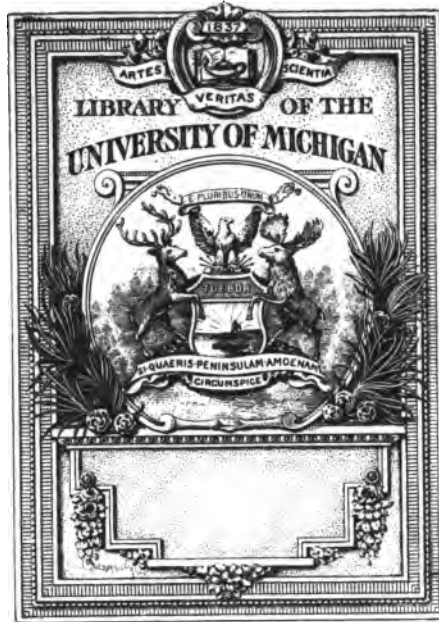
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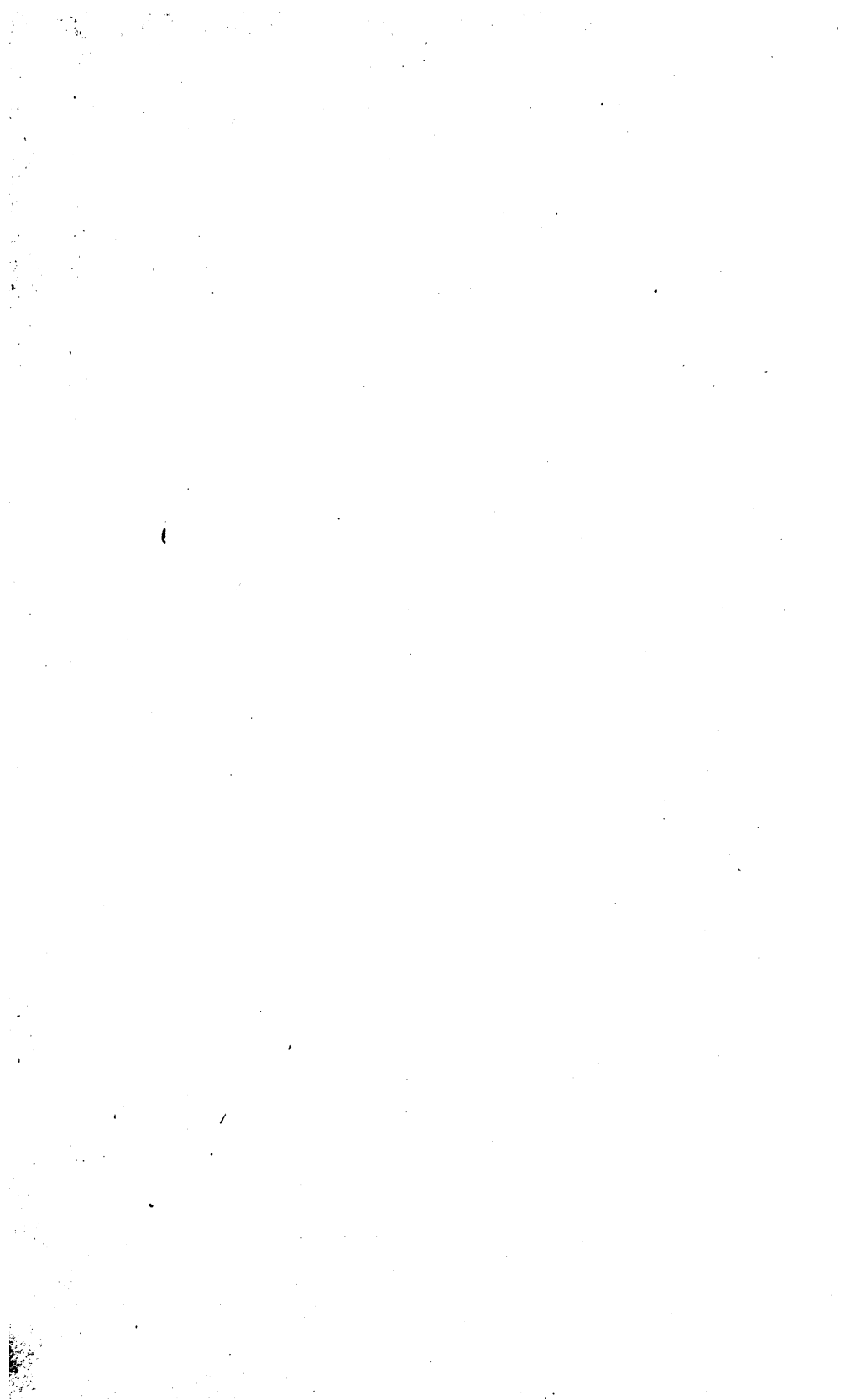
THE RELATIONS OF THE UNITED STATES TO THE CANADIAN REBELLION OF 1837-1838

BY

from ORRIN EDWARD TIFFANY 11-4-05

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PREFATORY NOTE

It has been my design in preparing this thesis to accomplish three objects, so far as was practicable within the necessary limits of such a work. The first and foremost object has been to narrate the relation of the people in the border states to the Revolutionists of Canada; especially to describe the organization and workings of the various secret societies formed within the United States to advance the interests of the Canadian Patriots; the purposes of these societies to promote filibustering expeditions into Canada, and to involve the United States in war with England, and finally, the part played by them politically in the overthrow of the Democratic party in the northern states, have received extended consideration.

The second part of the plan has been to set forth in clear light the policy of the Van Buren Administration toward the violation of the neutrality laws on the northern border, and the international questions arising out of the border disturbances, such as the Caroline affair and the northeast boundary dispute. Furthermore, as several of the American leaders among the Patriots aspired to accomplish in Canada what Sam Houston had wrought in Texas, the policy of President Van Buren has been contrasted incidentally with that of President Jackson in regard to the filibustering expeditions fitted out in the southern states for the overthrow of the Mexican authority in Texas.

The third purpose is to show the action of the border states regarding the conduct of their own citizens during this period of intrigue and border raid, and also to note the conflict between State and Federal authority as clearly illustrated by the McLeod case.

The footnotes and the bibliography will show the sources from which the material has been obtained. Besides having the advantages of the library of the University of Michigan, many valuable documents and papers have been consulted in the libraries of Detroit, Buffalo and Toronto. I wish at this time to acknowledge the many courtesies received from the librarians at these cities; especially the service rendered me in the matter of bibliography by Mr.

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Frank H. Severance, the Secretary of the Buffalo Historical Society. I would further acknowledge the assistance of Professor A. C. McLaughlin of the Carnegie Institute for certain materials furnished me from Washington, and my indebtedness to Professor C. H. Van Tyne of this university for his helpful criticisms.

ORRIN EDWARD TIFFANY.

University of Michigan, Ann Arbor, June, 1905.

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THE
RELATIONS OF THE UNITED STATES
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THE CANADIAN REBELLION
OF 1837-1838¹

BY ORRIN EDWARD TIFFANY²

I. COLONIAL MISRULE.

The Rebellion of 1837-1838 in Canada is of little consequence so far as military events are concerned; but the struggle marks a turning-point in Canadian constitutional development. While the evolution of the rebellion covers a period of forty years, producing different degrees of contention in the various provinces, the resort to armed force took place only in two provinces, Upper Canada or Ontario, and Lower Canada or Quebec. In fact, the revolutionary movements even in these two provinces were so futile that they scarcely deserve the name of rebellion. The results, however, were important: England was aroused to the neces-

1. A thesis submitted to the faculty of the Graduate School of the University of Michigan for the degree of Doctor of Philosophy, June, 1905.

2. Orrin Edward Tiffany is a native of Minnesota, who received his early training in district schools and the seminary at Spring Arbor, Mich. In 1895 he graduated from the University of Michigan with the degree of A. B., receiving the degree of A. M. the following year. He worked his way through college, all his studies being pursued at Ann Arbor except one summer spent at the University of Chicago. From 1896 to 1903 he was professor of history and economics in Greenville College, Greenville, Ill., being Dean of the college, 1900-1903. He still holds a non-resident membership on the Greenville college faculty. The author's present address is Ann Arbor, Mich.

sity of changing her colonial policy in the Canadas; and the sympathy excited in the United States produced a series of unfortunate border raids that severely taxed the military vigilance and friendly feeling of the two governments, and led to international complications; while within the United States itself, the affair furnished new instances of conflict between State and Federal authority; and contributed somewhat to the defeat of the Van Buren administration and the downfall of the Democratic party.

Canada, originally a French colony, came to England by the treaty of Paris in 1763 which brought to a close the Seven Years' War, or the French and Indian War, as it is known in American history. This transfer of Canada to England took place just at the beginning of the controversies that led to the American Revolution and the loss of the thirteen English colonies. During this war Canada, being French and Roman Catholic, showed little sympathy with her Puritan neighbors in their revolutionary struggle.¹

With the outbreak of the French Revolution the British Government, led partly by the desire to give the French Canadians good government, partly to please the loyalists who, recently driven from the States, had found new homes in the upper province, and deeming it, perhaps, advisable to anticipate any open demonstration of sympathy on the part of the French Canadians with the revolutionists of the mother country, passed the "Constitutional Act" of 1791. By this act of Parliament the colony was divided into Upper and Lower Canada. The government in each province was to correspond to the English model: in the place of the King stood a Governor appointed by the Crown; for the Cabinet, an Executive Council chosen by the governor; for the House of Lords, a Legislative Council appointed for life by the sovereign; and for the House of Commons, a Representative Assembly elected from districts by the people on a restricted franchise.² Thus was representative government first established in Canada; and with it began the con-

1. Bourinot, "Canada," 1760-1900, 68.

2. Goldwin Smith, "Canada and the Canadian Question," 85-86; Bourinot, "Manual of Constitutional History of Canada," ed. 1888, 21.

stitutional and political difficulties which finally culminated in rebellion.

The Act of 1791, though granting important privileges, contained certain sources of weakness. By dividing the provinces England hoped to leave the French to themselves and to their own institutions; but such was not to be the result. The English were drawn to Quebec by the allurements of trade, and when once there, they struggled for political supremacy. Another source of weakness was the lack of responsible government in the English sense. The British element entrenched in the executive office, in the legislative council, and in almost exclusive access to the Home Government, could determine the governmental policy in the provinces irrespective of the legislative assembly. Thus there began a conflict in Upper, or British Canada, for the establishment of the principles of English parliamentary government; and in Lower, or French Canada, began "the war of races" between the French elected element which predominated in the assembly and the English or the official element of the legislative council.¹ The French demanded the election of the appointed legislative council; all the passion of race, religion, and politics became involved in the "irrepressible conflict." Parties arose; patriot leaders appeared; and a press devoted to reform scattered the seeds of political and constitutional strife.

From 1791 to the close of the War of 1812 the movement was slow and the demands for reform moderate; from then on, the conflict became more aggravated. "The battle-fields," says Goldwin Smith, "were the control of the revenues and the civil list, the composition of the Legislative Council (which the patriots desired to make elective that they might fill it with men of their own party), and the tenure of the judges, whom they wished to make irremovable, like the judges in England, in order to diminish the power of the Crown, besides minor and personal questions about which party feelings were aroused."²

1. Durham's "Report," Parliamentary Reports Canada, 1839, I, 8-9.

2. Goldwin Smith, "Canada and the Canadian Question," 88.

The disposition of the public revenues finally centered around which the two parties in Lower Canada tended for political supremacy. By the imperial statute of 1774-1775, duties were to be levied for the sole benefit of the Crown in "defraying the expenses of the administration of justice and the support of the civil government of the province"; and whatever sums remained were "for the future disposition of parliament." Besides the revenues the Government had exclusive control of "the casual or territorial revenues," arising from the Jesuits' estates, royal seigniorial dues; and certain moneys arising from timber and land. The assembly controlled only such revenues as it itself might levy. Sometimes the royal revenues were not sufficient to meet the needs of the Government: under such circumstances the military exchequer was drawn on for the balance. As time went on the deficit constantly increased, owing to the increased expense of maintaining the provincial administration. On the other hand, the provincial revenues tended to exceed the expenditures of the local legislature. The financial burdens of the War of 1812-15 caused the Government to draw heavily on the provincial revenues, until by 1817 it "had incurred a debt of a hundred and twenty thousand pounds to the province without the direct authority of the legislature." The war being over, the Home Government desired to end such questionable methods of raising funds by securing from the provincial legislature an appropriation covering the past indebtedness and providing for such contingencies in the future. This was the beginning of the financial difficulties that ceased not to agitate the provincial legislature until the outbreak of the revolt.¹

Control of the purse was the demand of the popular assembly as the means of commanding political concessions and constitutional reform. The assembly not only refused to provide for the government civil list; but even demanded the control of the revenues derived by imperial statutes. To such a degree did the obstinacy of the parties develop that the machinery of government became clogged and deadlock

1. Bourinot, "Canada, 1760-1900," 124-125.

resulted. In 1836, the controversy became so heated that the majority of the assembly asserted its right to set aside the constitution of 1791: nothing short of an elective council would satisfy the demands for constitutional reform. The Home Government was petitioned and commissioners were appointed to investigate conditions in Canada. England was aroused to action; ten resolutions were introduced in Parliament; the arrears of indebtedness were provided for, and some concessions as to the legislative council were made: but it was not deemed expedient to make it elective. The crisis was at hand. The standard of revolt was raised: "*Vive la liberté!*" "*Vive la Nation Canadienne!*" "*Point de despotisme!*" became the cry wherever the revolutionists predominated.¹

In Upper Canada the financial disputes were less intense; and were more easily adjusted. In 1831 the assembly passed an act providing a permanent fund for the civil list and the judiciary with the condition that the government revenues be placed at its disposal. Now that the salaries of the judges were made permanent, the provincial legislature was permitted in 1834 to enact that the judges should hold office during good behavior rather than at the pleasure of the Crown as heretofore. Besides demanding an elective council the reformers of Upper Canada desired a responsible council; and some even "wished to assimilate the institutions of the Province rather to those of the United States than to those of the mother country."²

2 Perhaps the chief object of attack was the so-called "Family Compact," which represented a political and social combination rather than a family connection. This became so all-powerful that it controlled all branches of the Government—"the executive, legislative council, and even the assembly where for years there sat several members holding offices of emolument under the crown."³ The banks, the finances, the Church of England, the judiciary, the public domain—all were monopolized by this bureaucratic aristoc-

1. *Ibid.*, 127, 133.

2. Durham's "Report," 55.

3. Bourinot, "Canada, 1760-1900," 140; Goldwin Smith, "Canada and the Canadian Question," 109.

racy. This exclusive social circle was composed for the most part of the descendants of the loyalists who had faithfully stood by the king during the American Revolution; and who, as a consequence, claimed special favors by way of government patronage. With this class stood the descendants of the first settlers who had come before the war; and certain retired officials from England coming hither to better their conditions. Thus the late comers and certain of the loyalists, for one reason or another, found themselves excluded from office and government favor. The result was the growth of a party opposed to the exclusive class—a reform party demanding an elective legislative council and responsible government; and so desperate became the struggle that the whole machinery of government was brought to bear at the polls to defeat certain of the liberal leaders. Then came the open breach with the Government and an appeal to arms.¹

3 Another abuse that furnished material for the agitator was the method of disposing of the public lands. In sad contrast with the efficient system of the United States, gross favoritism was shown in large gifts of land on purely personal or political grounds, 10,000 to 50,000 acres not being an uncommon grant to such persons. Thereby millions of acres were placed beyond the control of the Government: from eight-tenths to all the land was thus alienated in certain of the provinces by the time of the rebellion. A very small per cent. of these vast tracts of land was brought under cultivation; and the difficulties and uncertainty of securing title, together with the separation of the settlers and difficulty of communication, reduced the agricultural class to the verge of existence, and the value of farm lands to a mere pittance. Immigration decreased, or was turned across the border into the more prosperous States.²

4 The greatest of grievances arising out of the land grants was found in the Clergy Reserves. By the Constitutional Act of 1791, the ecclesiastical as well as the civil polity of Great Britain was to be reproduced in Canada: provision

1. George Bryce, "History of the Canadian People," 387-388.

2. Durham's "Report," 72-86, 92.

was made to affix titles of nobility to members of the upper house; and for a church establishment by setting aside an eighth of the crown lands for the maintenance of a "Protestant clergy." Later, the Church construed the act to mean a seventh of the waste land; and "Protestant clergy" to mean the clergy of the Anglican Church. The attempt to fasten titles of nobility in America failed; but the church establishment took root and became the source of much trouble: the various other Protestant bodies demanded a share in the revenues, and not meeting with success in their demand, they later (1826) passed a resolution through the Assembly in Upper Canada that if it seemed inexpedient to grant a denominational division, the whole reserve should be devoted to educational purposes. The Church of England, however, backed by the powerful "family compact," maintained its hold upon the lands; and in 1836 defied the opposition by establishing forty-four endowed rectories within the province. "But the action," says Sir J. Castell Hopkins, "created a feeling which, combined with other causes, broke into the ultimate storm-cloud of rebellion."¹

Besides these main causes were numerous others of more or less importance, each of which contributed its share to the final reckoning. In Upper Canada, besides the general constitutional and political questions, the "family compact," the land grants including the clergy reserves, there was a sort of silent opposition to immigration due to the jealousy with which the dominant class wished to maintain their own exclusive interests. The franchise was granted on illiberal terms to immigrants from Great Britain; and immigrants from the United States were refused the right to hold land, so fearful were the loyalists of the liberalizing tendencies of the New Democracy. Even professional men from the home country had to undergo a long apprenticeship before being allowed to practice in the province. The narrow exclusive educational policy was another point of attack; while the close censorship of the press, and the persecutions of the agitators resulting in heavy fines, confiscations of property,

1. J. C. Hopkins, "The Progress of Canada in the Century," 218-219. See also, Hopkins, "Encyclopaedia of Canada," III, 136-166.

and even banishment, but added fuel by winning new martyrs to the cause of liberty.¹

In Lower Canada there was mingled with the general causes already mentioned a war of races: on the one hand, a Celtic race with French institutions of the old regime, the French language and the Roman Catholic religion—a people embittered by conquest. On the other hand, an Anglo-Saxon race with Teutonic institutions, the English language, the Protestant religion—a world-wide conquering and commercial people. Social seclusion and religious separation existed; political and commercial isolation were likewise sought by the French. Nor should the French Revolution of 1830 be overlooked; for the French-Canadian leaders were touched by it and quickened into new activity. The liberalizing influence of the United States, though often silent, was a potent factor always present to urge on every lover of true representative government. The rule of the people, the industrial activity, and the commercial prosperity of the great republic to the southward, were in marked contrast to the semi-despotic rule of the governors, and the industrial and commercial stagnation of the provinces.²

And last but not least of the causes leading to the revolt, was the short-sightedness of the Home Government. The political changes in England effected a change of government on the average of once in five years. Little was known of the distant colonies in America and little care was taken in regard to them except to get along with them with as little trouble as possible. Moreover, since the loss of the thirteen American dependencies, it had been the policy of Great Britain "to govern its colonies by means of division, and to break them down as much as possible into petty isolated communities, incapable of combination, and possessing no sufficient strength for individual resistance to the Empire."³

Another weakness in the Colonial Government was the

1. "Handbook of Canada," 152-153; Hopkins, "Progress of Canada in the Century," 220-223; Durham's "Report," 35.

2. Durham's "Report," 15-18, 66.

3. *Ibid.*, 25.

method of appointing the governors. Instead of selecting men with executive capacity, relying on their knowledge of local affairs to govern the provinces as the real representatives of the Crown, the governors were appointed through the colonial office; given full instructions as to their method of procedure; held responsible for carrying out the same; and were then recalled for not being able to conciliate the people whom they were supposed to rule in peace and equity. Thus governors were forced to carry out a policy foreign to the interests of the people; or waste valuable time in what too often proved a futile correspondence with the colonial office. Hence, where conditions called for a vigorous administration of the royal prerogative, a weak, hesitating policy was pursued. A biting comment on the two centuries of England's colonial policy is summed up in the remark of Lord Durham in 1838: "The experiment of keeping colonies and governing them well ought at least to have a trial."¹

II. LEADERS AND EVENTS.

The leaders most closely associated with the Patriot uprising are Louis Joseph Papineau of Lower Canada and William Lyon Mackenzie of Upper Canada. Papineau was born in Montreal, 1789, educated in the Seminary at Quebec; elected to the Assembly in Lower Canada at the early age of twenty, and by 1817 was made Speaker of the Assembly, which position he held, but for one short interval, until the rebellion. He was a brilliant orator; a deep student of politics; energetic and aggressive; but vain and lacking in that mental equipoise essential to a true statesman. In his aspirations to lead his countrymen to successful revolution and republican government, he has been thus contrasted with Washington: "As the Canadian rebellion differed in all respects from the American war of independence, so was the impassioned, prejudiced, and imprudent Louis J. Papineau, the antipodes of the sober, impartial, and prudent

1. *Ibid.*, 25, 37, 38; "Handbook of Canada," 151.

George Washington. One loved himself, the other loved his country. The Canadian advocate, whose battles had ever been one of words, regardless of his countrymen, desired to raise himself to supreme power in the state; the American soldier, who had faced many a danger by flood and field, sought only the happiness of his citizens."¹

Closely associated with Papineau in the struggle for political liberty in the lower province was Dr. Wolfred Nelson, of English birth, and a radical member of the Assembly. Having been educated at Montreal, he began the practice of medicine at St. Denis. During the War of 1812-15, he served in the army as a surgeon and learned something of military tactics. A man of wealth, scholarly attainments, and good judgment, he was highly respected, and wielded great influence over the people of the southern counties.

Another Liberal who finally took part in the uprising was Edmund Bailey O'Callaghan. A native of Ireland, carefully educated both at home and in Paris, he came to Canada in 1823 and continued his studies in medicine at Quebec. His wit, genial manner, earnest character and professional skill soon won him an extensive practice. He early took part in political life: he took part in the organization of the Society of the Friends of Ireland. In 1834 he became editor of the *Vindicator* which so boldly championed the Patriot cause that the office was attacked and destroyed by the tory Doric Club. In 1835 he was made a member of the Assembly and there nobly supported the revolutionary party. When the meeting took place on the Richelieu to determine the final course of action O'Callaghan was present and supported Papineau in condemning the proposed resort to arms; but when the crisis came he joined the Patriots, took part in the engagement at St. Denis, and when failure came to their cause, he joined Papineau in flight to the United States.

Other names connected with the revolt were: Thomas Starrow Brown, an American who had found his way to Canada, engaged in the iron retail trade, and politics—

1. MacMullen, "History of Canada," 414.

withal, an enthusiastic applauder of the liberty movement, who by some means became leader in certain engagements only to display utter lack of courage and generalship; Amerry Girod, of doubtful nationality, a linguist of some note, a man who, before coming to Canada, had gained some military experience as lieutenant-colonel of cavalry in Mexico—an extremist of the most violent type, who with Dr. Chenier became leader of the uprising at Saint Eustache; and Dr. C. H. O. Cote, a tory hater, who after the suppression of the revolt in Lower Canada became, together with Dr. Robert Nelson, an active organizer of border raids.

The father of the Upper Canadian revolt was William Lyon Mackenzie. "A wiry and peppery little Scotchman"; honest, brave, energetic; but ruthless in his exposure of wrong and wrong-doers: a man of strong personality, but unsafe in council, and oftentimes intemperate in word and action. Many were the vicissitudes of this extremist. Elected a radical member of the Assembly in 1828, he was again and again expelled by the influence of the "family compact," only to be reelected by a devoted and enthusiastic constituency. His vituperative pen, also, aroused against him bitter enemies: at one time it lost him the public printing; at another it led to the sack and destruction of his printing press. He was withal a born agitator, a man more suitable to engender strife and augment revolt than capable of exercising the patience and tact necessary to command large forces of men, or the judgment essential to political reorganization and true statesmanship.¹

The leader of the western division of the organization for revolt was Dr. Charles Duncombe. He was a native of the United States who had settled in the province after the War of 1812; he became a large purchaser of land, and in his professional capacity supplied a much needed want in the western region of that day. Being a skilful physician and a man of affable disposition, he soon obtained considerable means, and became extremely popular. His popularity and liberal views led after a time to his election to the Assembly; where being selected by the reform party as a suitable per-

1. Charles Lindsey, "Life and Times of Wm. Lyon Mackenzie."

son to represent their claims to the Home Government, he was sent to England. On failing to obtain a favorable hearing, he returned embittered against the ruling class; and when approached by Mackenzie readily gave him his support in favor of a "grand political demonstration."

More intimately connected with Mackenzie in his attempt at revolution was Dr. John Rolph, a lawyer and a physician; a subtle-minded and sagacious reformer, who urged on the organizations for revolt by accepting the chief position in the proposed provisional government; but who, when the revolt broke out, played the double part of acting openly as the agent or "truce bearer" of the governor while at the same time he secretly incited the insurgents to action. Another associate was Marshal Spring Biddle, a man of lofty aims and commanding eloquence, and, for a time, speaker of the Assembly, who, when the crisis came, though abstaining from any open assistance, sympathized with the revolt until, suspicion being aroused in the Lieutenant-Governor, he allowed himself to become expatriated rather than face the probable results of an arrest and trial. Besides these there were other persons, some of whom halted at the verge of armed resistance, such as Drs. Morrison and Baldwin, or paid the penalty of their rashness with their lives as did Lout and Montgomery; while there were others who pined away in jail, or suffered banishment, not to mention the leaders of the hundred and fifty various local organizations pledged to the overthrow of the existing form of government.¹

While the uprisings in Upper and Lower Canada were simultaneous, and while a deep sympathy existed between them, the two movements were quite distinct in origin and in development, as a study of the causes of the insurrection in the respective provinces clearly shows. The occasion of the rebellion in each is equally distinct. As already noted, the refusal of Parliament to grant the request of the French Canadians for an elective franchise led to a violent outburst of feeling: Papineau was ready for anything—independence, or even annexation with the United States. Agitation everywhere became fierce. The various local commit-

1. Lindsey, II, 32.

tees of correspondence with the central committee of Montreal were everywhere actively urging the Patriots to armed resistance. "Anti-coercion meetings," as the patriot assemblies were called, were organized; military drill was begun, officers appointed; and the permanent committee called on for munitions of war.¹ In all these movements, however, there seems to have been more of bluff and noise than of real military organization. In fact, with the exception of Dr. Nelson, the leaders of the revolt were woefully lacking in both the knowledge and the courage of war.

On Nov. 6, 1837, the first blow was struck at Montreal. Here a collision took place between "The Sons of Liberty" and "The Doric Club," a loyalist association, with a slight advantage in favor of the Patriots.² The Government became thoroughly aroused: warrants were issued for the arrest of the rebels; and decisive steps were taken to suppress the revolt.

The real center of the disaffection, however, was along the Richelieu. At St. Charles, on this river, there met, on October 23d, the delegates of the "six confederated counties" and assembled with them were some five thousand persons. Resolutions were adopted that left no doubt as to the intent of the agitators. Military preparations soon followed; bands of Patriots gathered at both St. Charles and St. Denis, and made ready for war. These things coming to the notice of the authorities, Colonels Wetherall and Gore were hastened forward to the Richelieu to nip the insurrection in the bud. The Patriot forces were attacked by Colonel Gore at St. Denis on the 23d of November; but Dr. Nelson, turning his three-story distillery into a fort, proved himself a skilful tactician by maintaining his position in nearly an all-day battle, in which he finally repulsed the Government troops.³

This victory gave considerable encouragement to the Patriot cause; but it was short-lived, for soon the Patriots met with an overwhelming defeat at St. Charles. At this

1. Kingsford, "History of Canada," X, 28-29.

2. Earl Gosford to Lord Glenelg, Nov. 9, 1837; Col. Wetherall to Lord Gosford, Nov. 6, 1837, in Parliamentary Reports, Canada.

3. Col. Gore to Sir J. Colborne, Nov. 25, 1838; Sir Colborne to Lord Somerset, Nov. 29, 1837, in Parliamentary Reports, Canada.

place, Colonel Wetherall arrived on the 25th of November with five companies, two pieces of artillery, and a small cavalry force. The Patriots occupied the house of M. Debartzch, an old French château substantially built; the walls were pierced for the use of guns; and the grounds enclosed by barricades extending from the Richelieu on either side to a hill back of the house. The chief leaders to whom the people looked being absent, there was a hesitancy about assembling when the battle came on; and there were but 550 fowling pieces to supply those who did assemble. As a consequence the barricades when stormed by the provincial troops were easily carried; and in less than an hour after the firing began the insurgents were in full flight. "The slaughter on the side of the rebels," writes Colonel Wetherall, "was great." "I counted," he adds, "fifty-six bodies, and many more were killed in the building and the bodies burnt."¹

The spell was broken; the Patriot army suddenly vanished: a majority to their homes; but the more conspicuous members sought safety across the border. Papineau, who struck for the States at the first approach of the British, made sure his escape; while Dr. Nelson, who bravely held his ground while hope of success remained, was apprehended and, with other prisoners, lodged in Montreal jail. Elsewhere at St. Eustache and St. Benart, northwest of Montreal, and on the national boundary, the Patriots attempted to prolong the struggle, but in vain.² Thus within the short space of a month, the first attempt at armed revolt disappeared. The cause of the failure was due, in part, to the timidity and lack of initiative on the part of a people long accustomed to absolute government in Church and State, and to a leadership utterly lacking in military knowledge or experience; and, in part, to the decisive and soldierly action of Sir John Colborne, who not only suppressed the insurrection; but, having been appointed Administrator, suspended the constitution, and placed the province under military rule.

1. Col. Wetherall to Adj. Gen., Nov. 27, 1837; Earl of Gosford to Lord Glenelg, Nov. 30, 1837; Lindsey, II, 69.

2. Sir John Colborne to Lord Fitzroy, Dec. 22, 1837, in Parliamentary Reports, Canada.

The rebellion in Lower Canada, though crushed for the time being, was not dead: the majority of the French element remained in a sullen and hostile mood. During the summer of 1838 secret organization of the Patriots was going on through the agency of the chief refugees on the New York and Vermont frontiers—Dr. Robert Nelson, brother of Dr. Wolfred Nelson, the hero of St. Denis, Dr. Cote, and Mr. Mailliot; and immediately after the departure of Lord Durham, who had been appointed in March as "Captain General and Governor-in-Chief" of all the Canadas, a new uprising took place, "The Rebellion of 1838." It began, November 3d, in the counties on the Richelieu, and extended west to Beauharnais: large bodies of hostile *habitants* gathered at the leading towns of this district, where they were to be equipped with arms, and supported by large bodies of sympathizers from the United States. This insurrection was even more futile than the previous one: the arms and troops from the United States failed to materialize; and within seven days the revolt collapsed.¹

The rebellion of Upper Canada presents a similar fiasco. Exasperated beyond endurance by defeat at the polls, by methods decidedly questionable, certain of the liberal leaders became reckless in their zeal to thwart the "family compact." A "Committee of Vigilance" was formed with Mackenzie as agent and corresponding secretary; and meetings were held throughout the province with but one intent. Mackenzie claimed to have the names of thousands ready to rise against the Governor, and to establish a provisional government. Military drill and target practice became common in various places.² On Nov. 25, 1837, a proclamation was issued by Mackenzie entitled, "Independence," in which he claimed that there had been nineteen strikes for independence on the American continent; and that all had been successful. "Up then, brave Canadians! Get ready your rifles, and make short work of it," was his final appeal.³

The center of the revolt was around Toronto. The

1. Kingsford, X, 167-175.

2. Bryce, "History of Canada," 388-389.

3. Lindsey, II, Appendix F.

Patriot rendezvous was Montgomery's Tavern, a few miles north of the city on Yonge street. From here an attack on Toronto was planned for the night of December 7th, under the command of Van Egmond, who had been a Colonel under the Great Napoleon. Much to the discomfort of Mackenzie, who had been absent some days, Dr. Rolph, who was to be made President of the Republic, changed the date of assault to December 4th. The change of dates produced confusion: but a small portion of the Patriot army were on hand the evening designated. Lack of numbers and a disagreement concerning plans delayed the advance till so late in the night that when finally they were ready to make the attack, the golden opportunity to seize the city was gone: for in the meantime the Governor had been informed of the premeditated seizure of the capitol; and preparations for its defense were hastily provided. The insurgents under Samuel Lout marched to within a short distance of the city, when being fired upon by a picket sent forward by the Governor, they retreated. The Patriot forces remained at Montgomery's until December 7th, when they, in turn, were attacked by the provincial troops under Governor Sir Francis Bond Head and Colonel Allen MacNab. A brief but sharp action resulted in which the militia easily defeated the "half-armed mob" collected by Mackenzie. The rebellion was at an end; and as in Lower Canada, the leaders, with the exception of Lout and Van Egmond, who were taken prisoners, sought refuge in the Republic across the border.¹

Such in brief outline was the Canadian Rebellion of 1837-1838. There was little bloodshed; but a vast amount of noise. The clamoring democracy of the New World had made itself felt: its liberalizing influence reached across the ocean to England; and Lord Durham, a Liberalist of the most advanced views, was sent to govern Canada, with instructions to report upon the conditions there, and to suggest the form of government needed to unite the contending factions—to unite the French and English in Lower Canada without the suppression of the latter and the loyalists of the "family compact" system and the reformers of Upper Canada

1. *Ibid.*, II, 70-99; Sir F. B. Head, "Narrative."

so that neither might become all powerful. The interests of all parties were to be so conserved that the loyalty of both provinces might be permanently secured to the British crown. Lord Durham met the requirements most successfully. Every phase of colonial life was thoroughly investigated; and the results, with suggestions for the solution of the difficulties, were embodied in his Report—the ablest state paper of the century. The union of the two provinces; the establishment of a permanent civil list, and the absolute control of the finances, public lands, and militia by the provincial Parliament are among the suggestions for governmental reform; but the keynote of his recommendations is found in the statement that if the Crown “has to carry on the Government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence.” Such political, financial, and constitutional reform may well be called, “the fountain head of all that England has since done for the betterment of government in her colonies.”¹

III. CROSSING THE BORDER.

“If freedom is the best of national blessings, if self-government is the first of national rights, and if the ‘fostering protection’ of a ‘paternal government’ is in reality the worst of national evils—in a word, if all our American ideas and feelings, so ardently cherished and proudly maintained, are not worse than a delusion and a mockery—then are we bound to sympathise with the cause of the Canadian rebellion.”² Such was the opinion expressed by the *Democratic Review* and such was the sentiment of the mass of the people in the United States. Their origin, their form of government and their prosperity were based upon the principles of self-government asserted by the Canadians. Thus the Patriot fugitives whose attempt at revolt had been nipped in the bud

1. Durham's “Report,” 100; Woodrow Wilson, “The State,” 429; *Am. Hist. Rev.*, IX, 393.

2. *Democratic Review*, Vol. I, 1838, p. 218.

and who had escaped the vengeance of a victorious British soldiery and an incensed government found protection and succor among the liberty-loving people of the American Union.¹ No doubt other motives than that of pure love of liberty brought sympathy and assistance to the Patriots. The hatred of Great Britain engendered by the Revolution of 1776 still rankled in many hearts; the consideration always given the "under dog" possessed others, nor were such sinister motives as hope of conquest and desire of personal aggrandizement wanting. The northeast boundary line furnished another source of aggravation.² Politics, too, contributed its share, though the Administration was anxious to avoid war.³ Furthermore, the panic of 1837 left numerous unemployed who were ready for something to be doing.⁴ The undue severity of the punishments inflicted by the local authorities upon the prisoners, which called forth a well merited rebuke from the Home Government,⁵ led in some instances on the part of the sympathizers to a spirit of retaliation. Kinship, intimate acquaintance, long-continued social and business intercourse between the two peoples whose only real separation was the imaginary line that divides two nations, made them one in this struggle for a government whose various departments should be responsible alone to the people governed.

After the suppression of the revolt in Lower Canada, many of the Patriots fled across the border to the neighboring villages in Vermont and New York. A "very strong feeling in their favor" existed among the people which expressed itself in supplies of cannon, small arms, powder, lead and other valuable munitions of war.⁶ The women of

1. Bell, "History of Canada," II, 476; *Democratic Review*, IV, 1838-1840, pp. 82, 90.

2. Johns Hopkins Univ. "Studies," XVI, p. 92; Kingsford, "History of Canada," X, 181; MacMullen, "History of Canada," 417.

3. Mackenzie, "Life and Times of M. Van Buren," 282; Shepard, "Van Buren," 311, 316.

4. MacMullen, "Hist. of Can.," 417.

5. Lord Glenelg to Sir Geo. Arthur, May 30, 1838; Parlt. Rep. Canada, 1839, II.

6. See Correspondence, Ex. Doc. 25 Cong. 2 Sess., Vol. III, No. 74, pp. 33, 38.

the vicinity showed their sympathy for the cause by working "an artistically conceived banner," a badge of victory.¹ Thus reinforced the Patriots recrossed the line, Dec. 6, 1837, with the intent of continuing the war for liberty. At Mooers' Corners they were met by a body of loyalists and dispersed: some were killed, some taken prisoners, while the majority leaving behind a considerable portion of their accoutrements of war fled back in all haste to their friends in the States.²

Defeat seemed but to quicken the pulse of American sympathy. A few days later a company "consisting of from twenty-eight to forty men" was formed at Plattsburg, New York; arms were furnished and "private drilling" became the "business of each night."³ A barber, when not engaged at his trade, manufactured balls with which "to kill the tories"; a law student, Mr. Samborn, was made captain of the company; Mr. Palmer figured "as a subaltern"; a paper bearing "all the mental obligations of an oath" was signed by each volunteer, whereby he engaged "to march to Canada whenever his services might be required." At other places about the foot of Lake Champlain similar organizations were formed. Raids and rumors of invasions kept the people on both sides of the line in a state of nervous alarm. The sudden attack of Canadian refugees and American sympathizers upon the homestead of some loyalist; the burning of his buildings and the turning of his family out of doors in the dead of night to suffer the cold of a rigorous northern winter, as in the case of the Caldwell manor, or the more notorious case of the farmer Vosburg, whose entreaties for mercy were answered by a threat to hang as many tories as the Government had hanged Patriotic friends;⁴ or the counter raids of the Provincial militia for the purpose of kidnapping or insulting refugees or sympathizers, but

1. Kingsford, X, 70.

2. *Ibid.*, 71, 72.

3. Lyman to Gov. Marcy, Ex. Doc. 25 Cong. 2 Sess., No. 74, p. 36.

4. Kingsford, X, 196; *see* Correspondence, Ex. Doc. 25 Cong. 3 Sess., Vol. IV, No. 181, pp. 17, 28.

whetted the appetite for vengeance and hastened on the organizations of invasion.¹

Under the leadership of Dr. Robert Nelson and Dr. Cote the various bands that had for some time been under preparation at the foot of Lake Champlain crossed over "in forty sleighs" to Alburgh on the last day of February.² A proclamation signed, "Robert Nelson, Commander-in-Chief of the Patriot Army," promising "security and protection, both in person and property, to all such as shall lay down their arms," and a declaration of independence signed "Robert Nelson, President," were issued by Dr. Nelson at this time.³ The declaration is of interest as indicating the French Canadian views of government. The Indians were no longer to be under "civil disqualification"; all union between State and Church was to be dissolved; feudal or seignorial tenure of land was to be abolished; imprisonment for debt was to cease; the death sentence was no longer to be executed except in case of murder; election by ballot, and a constitution "according to the wants of the country," were to be secured. The invasion failed. Finding a large force of loyalists at hand, the Patriots returned to the boundary, where they were met by General Wool, and were permitted to enter the United States only on condition of surrendering themselves and their arms. The whole force of 600 men, 1500 stand of arms, some cannon and a large amount of ammunition were surrendered, and Dr. Nelson and Dr. Cote were turned over to the civil authority for violation of the neutrality laws.⁴

Such was the beginning of a series of border raids that extended the entire line of frontier from Vermont to Michigan and increased in number and influence until the whole machinery of government became actively engaged in their suppression.

The most important center during the early period of the

1. *Ibid.*, pp. 10-12, 14.

2. Sir J. Colborne to Fox, Feb. 28, 1838, *Parlt. Rep. Canada*, 1838, p. 12.

3. *Ibid.*, 14-16.

4. Gen. Wool to Col. Jones, March 2, 1838, *Ex. Doc. 25 Cong. 3 Sess.*, Vol. IV, No. 181, p. 15.

border strife was Buffalo. Here on the 11th of December, 1837, Mackenzie, his Patriot band having been defeated at Montgomery's Tavern, arrived after one of the most thrilling escapes. Constantly pursued by Loyalists, a reward of £1000 offered for his capture, he hastened on in the depth of a Canadian winter in the open or through by-ways; assisted by some friendly Patriot; at times on foot; again by horse, the gift of some lover of liberty more than the lover of British gold; by night or by day; sleeping or fed in some humble cottage while his host stood sentinel without; crossing the Niagara River in full view of Colonel Kerby and his "mounted dragoons, in their green uniforms," though unseen by them, the Colonel being entertained by the wife of his host who was rowing him across the river in his own boat to the American shore.¹

As soon as the uprising in Canada was made known meetings were held in nearly all the towns and cities of note in the border states, Middlebury, Burlington, St. Albans, Albany, Troy, Oswego, Rochester, and New York, in which strong "resolutions of sympathy and support for the Patriot cause were adopted."² On the 5th of December, even before the purposes of the Upper Canadian insurgents were made known, a large and influential meeting of the citizens was held in Buffalo; an executive committee of thirteen was appointed to call "future meetings in relation to the affairs of the Canadas and to adopt such measures as might be called for by public opinion."³ This committee performed an important part in the Patriot movements about Buffalo. The next day Mackenzie addressed a note from the camp on Yonge Street to the press of Buffalo, setting forth the Patriot cause and asking for assistance.⁴ On the evening of the 11th, the day Mackenzie arrived in the States, the largest meeting ever held in Buffalo assembled at the theatre. When Dr. Chapin remarked in the course of his address to the citizens that he had a man under his protection at his

1. Lindsey, II, 102-122.

2. *Dem. Rev.*, June, 1838, 81.

3. *Ibid.*, 95; Lindsey, II, 123.

4. *Ibid.*, 124.

house "upon whose life a price was set—William L. Mackenzie"—a tremendous applause burst forth from the audience, "such a shout of exultation" as was never heard before.¹ Mackenzie being called for, it was announced that he was too much fatigued to address them, but would do so the next evening. After strong expressions of sympathy and promises of assistance for the struggling Canadians, a guard of six was appointed for the protection of the Patriot leader; and the meeting closed with "cheers for Mackenzie, Papineau, and Rolph."

On the following evening Mackenzie addressed a large assembly at the theatre: he recounted the struggles of the Americans to throw off the yoke of English tyranny and avowed that he "wished to obtain arms, ammunition, and volunteers, to assist the reformers in Canada."² The Eagle tavern was designated as the place of deposit. All night and the following day great activity was displayed in the collection of arms, munitions of war and in the enrollment of names. A general being appointed the volunteers marched out of the city, for the night, as was supposed; but shortly after midnight they returned, seized from the sheriff two hundred stand of arms, took two field pieces and marched off to Black Rock.³

Mr. Thomas Jefferson Sutherland, who had publicly declared his intention of assisting the Patriots, claims to have originated the plan of occupying Navy Island.⁴ At least his name stands at the head of a list of ninety-seven young men of Buffalo who pledged their "mutual support and coöperation, for the commendable purpose of aiding and assisting" the Canadian Patriots in their struggle for liberty.⁵ This island belongs to Great Britain and is situated in Niagara River some two miles above the falls. Mr. Rensselaer Van Rensselaer, son of General Van Rensselaer

1. *Buffalo Commercial Advertiser*; Lindsey, II, 124.

2. Mayor Trowbridge to the President, Dec. 14; Ex. Doc. 25 Cong. 2 Sess., Vol. III, No. 74, p. 31.

3. *Ibid.*, 31, 40.

4. Lindsey, II, 126.

5. *Ibid.*, 126, note.

of Albany, was chosen Commander-in-chief of the Patriot forces. He was represented as "a cadet of West Point"; and one who had received practical experience under Bolivar in South America; neither of which representations was true. Van Rensselaer accepted this post of honor according to his own account, because he believed the "vast majority of the Canadians were ready for revolution" and, if given assistance in winning one battle, they would then "concentrate their forces and do their own fighting."¹ Furthermore, he desired as a Northerner to emulate "the chivalrous example of the South in the case of Texas."

The 13th day of December was chosen for the departure to Navy Island. Mackenzie and Van Rensselaer stopped on the way at Grand Island, some ten miles distant from Buffalo, where they expected to find a large body of volunteers, the result of the previous meetings and enthusiastic expressions of sympathy and assistance. But much to their surprise, only twenty-four men were in readiness to accompany them. Though disappointed, they determined to proceed; so trusting in the good faith of friends and in Providence, the word was given, "Push off."²

Arriving at the island, a provisional government was formed and a proclamation was issued signed by William L. Mackenzie, Chairman, *pro tem*. The proclamation stated, that for fifty years their government had "languished under the blighting influence of military despots"; that the standard of liberty was raised for the attainment of a written constitution; perpetual peace based on equal rights to all; civil and religious liberty; abolition of hereditary honors; a legislature of two houses chosen by the people; an executive elected by public voice; a judiciary chosen by Governor and Senate; free trial by jury; vote by ballot; freedom of trade; exemption from military service; "the blessings of education to every citizen"; the opening of the St. Lawrence to the trade of the world, and the wild lands were to be distributed "to the industry, capital, skill, and enterprise

1. *Ibid.*, 128.

2. *Ibid.*, 131.

of worthy men of all nations."¹ While written in a bombastic and highly-inflated style, the programme of government announced in the proclamation is a worthy commentary on the misrule of the provinces and the crying need of political, constitutional and economic reform.

Eleven other names were signed with Mackenzie's to the document as members of the Provincial Government, and two others for "powerful reasons" were withheld "from public view."² Of these eleven persons, Lout and Duncombe had not yet made their escape from Canada; Von Egmont was dying from exposure in a Toronto jail; Darling refused the appointment; and of the two names withheld, probably, Rolph and Bidwell, the former still played the double part rather leaning to the side of the Government; while the latter denied being one of the persons designated.³ Three hundred acres of "the best of the public lands" were offered each volunteer who would join the Patriot forces, and as a further inducement there was added, a few days later, the promise of "\$100 in silver, payable on or before the first of May next."⁴ The reward offered for the capture of Mackenzie was reciprocated by an offer of £500 for the apprehension of Sir Francis Bond Head, Lieutenant-Governor of Upper Canada, that he might be "dealt with as may appertain to justice."⁵

The Patriot flag with its twin stars representing the two Canadas was unfurled to the breezes; and a government seal showing a new moon breaking through the surrounding darkness contained the words, "Liberty—Equality."⁶ Government bills were issued in denominations of from one to ten dollars, and found a ready exchange on the American side. A treasurer was appointed "to receive all moneys which may be subscribed within the United States" in behalf of the Patriots. Much enthusiasm was shown for the cause:

1. *Ibid.*, 363-369.

2. *Ibid.*, 365.

3. Kingsford, X, 433.

4. Lindsey, II, 366, 131.

5. *Ibid.*, 367.

6. *Ibid.*, 132.

"deer hunts," "exploring expeditions," search for "red foxes" in Canada, suddenly became the rage.¹ Every implement from a cannon to a drum was desired to complete the equipment. General Cameron in a letter dated December 23d, states that the excitement is "very strong" in New York State; that depots of men, money and arms are being formed in all the small towns ready to move when occasion demands; that the "very women" excite the men to proceed to the frontier; that one woman was seen casting bullets in her own home from a mould that ran sixty at a time.² From another letter comes information that "munitions of war, provisions, etc., are daily going on to the island from Buffalo."³ Again word comes that forty soldiers are marching the streets of Rochester under drum and fife; that "three-fourths of the people" there "are encouraging and promoting the thing" and that "seven-eighths of the people at Buffalo and all along the lines are taking strong interest in the cause."⁴

Innumerable letters full of sympathy, offers of assistance and enquiry, found their way to Navy Island addressed to Mackenzie as President of the Provisional Government, or to Van Rensselaer, Commander-in-chief of the Patriot army.⁵ The usual embarrassment that accompanies the outbreak of war in the way of applications for commissions in the army presented themselves to the Provisional Government: surgeons to care for the sick and wounded; engineers to construct defenses; military veterans to train volunteers; militia officers of the various states seeking equivalent positions in the Patriot army, and many a one proffers his services whose only equipment is, "an empty hand, a stout heart, and a fair knowledge of military tactics." Numerous inquiries are made as to means of avoiding infringement of the law, in the raising of troops, manufacture of cannon and

1. *Dem. Rev.*, June, 1838, 96.

2. Gen. Cameron to Gen. of Militia, Toronto, Parl. Rep. Canada, 1839, III, 447.

3. Scoville to Benton, Dec. 21, Ex. Doc. 25 Cong. 2 Sess., Vol. III, No. 74, p. 46.

4. Garrow to Benton, Dec. 21, *ibid.*, 47.

5. Lindsey, II, 133-138.

in the furnishing of warlike supplies from the state arsenal. By such means were a handful of poorly equipped men increased to several hundred so fully supplied with arms, cannon, ammunition, provisions, clothing and shelter that they were able in the dead of winter to seize one of her Majesty's islands, fortify it, establish a Provisional Government; maintain an aggressive attitude in the face of superior forces, and finally, after a month of occupation, withdraw without fear or hindrance.

Although there was much of the "spread eagle" in the utterances of the orators and the press of the day and even more exaggeration in the number of volunteers and assistance furnished the Patriot cause, still there was a considerable amount of fact. Nor were the sympathisers composed entirely of the mob element, mere "parcels of boys," "persons of no respectability."¹ Many citizens of high standing both in official and private life not only expressed strong sympathy for the cause but aided it, openly at first, then more cautiously and secretly as the strong arm of the law made itself manifest for the purpose of maintaining neutrality.² And though the majority of the American people stood with the administration, and even though in the border districts where the excitement was the strongest there was a large conservative class that desired peace, still it needed but a slight incident touching the honor of the nation to drive the country to the verge of war.

IV. TO THE VERGE OF WAR.

On the 29th of December, an event occurred which threatened to produce war between the United States and England: it was the burning of the "ill-fated" steamboat *Caroline*. The seizure of Navy Island gave promise of success to the Patriot cause; as a consequence, supplies be-

1. Wm. Symon to Gov. Marcy, Dec. 14, 1837, Ex. Doc. 25 Cong. 3 Sess., Vol. III, No. 74, p. 36.

2. Sir Geo. Arthur to Gen. McComb, Oct. 22, 1838, Ex. Doc. 25 Cong. 3 Sess., Vol. IV, No. 181, Part 2, p. 24.

came plentiful, though there was difficulty in securing transportation of goods and men from the shore to the island. The need of a steamer was felt; so a Mr. Wells of Buffalo, the owner of a small boat of forty-six tons capacity, was prevailed upon to put her into service. Security having been furnished by seventeen men of means in the city, the steamer *Caroline* was cut out of the ice by a large body of men on December 28th; received clearance from the collector of the port; and under the command of a lake sailor named Appleby, began service with the ostensible purpose of running from Buffalo to Schlosser, Black Rock, Tonawanda, Grand Island and Navy Island, "carrying passengers, freight, etc.," with the view "of making money."¹

The next day, the *Caroline* left Buffalo for a trip down the river, stopping at Black Rock where the American flag was run up;² and then touching at Navy Island where "several passengers and some freight were landed," she proceeded to Schlosser.³ During the afternoon two trips were made from Schlosser to Navy Island "conveying passengers and freight."⁴ At six o'clock in the evening, the *Caroline* was made fast to the dock at Schlosser for the night. The crew and officers numbering ten, and twenty-three other persons unable to find accommodations at the inn, lodged on board the steamer, little dreaming of the fate awaiting them before morning.⁵

The movements of the *Caroline*, however, had not escaped the notice of the British. Rumor had found its way to Colonel McNab who had charge of the loyalist forces across the river at Chippewa that the "*Caroline* was going to be run between Schlosser and Navy Island."⁶ Two officers were commanded to watch her movements; they reported having seen her "land a cannon and several men armed and equipped as soldiers." Believing the steamboat

1. Kingsford, X, 437; Lindsey, II, 145; sworn statements, Ex. Doc. 25 Cong. 2 Sess., No. 302, pp. 38, 15.

2. *Ibid.*, 17, 39.

3. *Ibid.*, 17.

4. *Ibid.*, 46.

5. *Ibid.*, 17.

6. Lindsey, II, 145, note.

to be the property of the insurgents on Navy Island and to be engaged in conveying men and munitions of war for the injury of the provinces, Colonel McNab determined to destroy her.¹ Turning to Captain Drew he said: "This won't do. I say, Drew, do you think you can cut that vessel out?" "Nothing was easier," replied Drew, "but it was to be done at night." "Well, then, go and do it," commanded McNab. "These," says Drew, "were literally all the orders I ever received."²

Captain Drew decided to carry out his instructions that very night: volunteers were called for, "who would follow him to the Devil."³ Seven boats were prepared, each containing four men to row, and three or four to be available for the attack. This force started from the mouth of the Chippewa river; went up the shore a short distance; then, Captain Drew, calling the boats about him, told the men for the first time the nature of the expedition and the danger involved; they were to follow close to him, keeping away from Navy Island lest they draw upon them the fire from the men on the island, and were all to meet on the shore above Schlosser.⁴ Two of the boats, however, being discovered were fired upon, whereupon they withdrew, taking no further part in the affair; the other five pushed boldly out into the channel. The swift current surged against their boats threatening to draw them into the rapids; for a time there was terrible anxiety; but after a while a light from the steamer became visible, and by it the men learned they were making progress. They soon came upon a small island that intervened and protected them from the view of the steamer. On reaching the head of the island they found themselves some forty yards from shore and two hundred from the

1. *Ibid.*, 146; Parl. Rep. Canada, 1838, 89.

2. Account of Admiral Drew, Kingsford, X, 437.

3. Sir F. Bond Head to Lord Glenelg, Feb. 9, 1838, Parl. Reports, Canada, 1839, III, 466.

4. Arnold's Narrative, Dent, II, 215. In the preparations for the attack upon the Caroline, the facts seem to indicate that Captain Drew knew that the vessel was at Schlosser, rather than at Navy Island. It is difficult to harmonize his official statement made some time after the affair with his instructions and with the movements of the boats, or with certain private accounts.

vessel. The moon was still shining; the vessel lay peacefully at her moorings; all was quiet; evidently, no attack was expected.

It being considered prudent, they remained quiet till the moon had set; and then dropping quietly down the stream, scarcely dipping the oars and, without a whisper, they approached the steamer.¹ When within fifteen or twenty yards of the *Caroline* the sentinel called out, "Boat ahoy! Boat ahoy! Who comes there?" "A friend," was the reply from the boats. "Give the countersign," called out the sentinel. "I'll give it you when we get on board," responded Captain Drew as he came alongside and boarded the vessel.² Then followed a scene so utterly confusing that all the facts cannot be obtained even from the voluminous mass of conflicting testimony. The shot of the pistol and the stroke of the cutlass mingled with the fierce oaths of the combatants and the deep groans of the wounded. The conflict was brief; the sleepers on board the boat, entirely unconscious of the premeditated attack, were easily overcome. The melee over, the *Caroline* was loosed from her moorings; towed into the stream; set on fire, and allowed to drift towards the falls;³ a beautiful sight as she ever more swiftly glided, all ablaze, down the rapids, until lost to view, as she sank beneath the surface or was carried over the falls into the fathomless gulf below.⁴

Their task accomplished, Captain Drew and his men took to their boats. A huge fire on the Canadian shore furnished a beacon to light them across the river. The object of their expedition being made known a vast throng assembled on shore to welcome the return with "three of the heartiest cheers ever given."⁵ The British Government approved the

1. Kingsford, X, 436-440; Marsh, "Narrative of a Patriot Exile," 8.

2. Sir F. B. Head to Lord Glenelg, Feb. 9, 1838.

3. See Evidence, Ex. Doc. 25 Cong. 2 Sess., No. 302, pp. 18, 19, 26, 29, 40, 41, 62.

4. It appears from the statements of Hon. L. F. Allen, Van Rensselaer and others, that a portion of the vessel containing the engine sank in the river, while a portion went over the falls. The figurehead was picked up near Lewiston by Jack Jewett and is now in the possession of the Buffalo Historical Society.

5. Kingsford, X, 441.

act; and conferred upon Colonel McNab the honor of knighthood; while the Provincial Assembly "tendered its thanks to the men engaged in the expedition and granted swords of honor to Colonel McNab and Captain Drew."¹

Very differently was the destruction of the *Caroline* received throughout the United States. Scarcely had the attack commenced before the neighboring citizens began flocking to the scene of action. At the sight of the burning vessel, a thrilling cry ran round, that there were living souls on board; and many fancied that even in the midst of the tremendous roar of the great cataract they could hear the wail of the dying wretches hopelessly perishing by the "double horrors of a fate which nothing could avert."² The people were horrified at the deed. Governor Marcy in a special message to the Legislature stated that the thirty-three persons on board "were suddenly attacked at midnight, after they had retired to repose, and probably more than one-third of them wantonly massacred."³ President Van Buren in a message to Congress stated that "an outrage of the most aggravated character has been committed, accompanied by a hostile though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens";⁴ and a letter from Secretary of State Forsyth to Mr. Fox, the British minister to Washington, said that "the destruction of property and the assassination of citizens of the United States" would "necessarily form the subject of a demand for redress upon her Majesty's Government."⁵ General Scott was ordered to the "Canadian frontier."⁶ The state militia of New York and Vermont were called out for the purpose of protecting "the frontier of the United States."⁷ Affidavits were taken from the survivors of those on board the *Caroline*; and a bill for murder was drawn up

1. Read, "The Rebellion of 1837," 344.

2. *Democratic Review*, June, 1838, 98.

3. Gov. Marcy to State Legislature, Jan. 2, 1838. Niles, LIII, 339.

4. President's Message, Jan. 8, 1838.

5. Forsyth to Fox, Jan. 5, 1838. Ex. Doc. 25 Cong. 2 Sess., IX, No. 302, 2.

6. Poinsett to Gen. Scott, Jan. 5, 1838. Niles, LIII, 309.

7. Poinsett to Gov. Marcy, Jan. 5, 1838, *ibid.*

against twelve persons supposed to have taken part in the "murder of Amos Durfee and others, on board the steamboat *Caroline*."¹

For the moment war seemed imminent; but the sincere desire of the Administration to avoid hostilities with England, and the efficient management of General Scott on the frontier, together with the delay necessary to secure all the evidence, and to carry on an extended correspondence with the British Government, allowed the public temper time to cool.² Thus the matter of "reparation and atonement" demanded from England remained for several years undisposed of, neither government being quite sure of its grounds. In the meantime, the facts became better known; only one person, Amos Durfee, was found to have been killed; though others seem never to have been accounted for.³

The question of international law became involved: as to whether the Canadians had a right, the questionable purpose of the *Caroline* being known to them, to seize and destroy the vessel in the waters of the United States; the Government at Washington, though claiming that under no interpretation of international law was the act justifiable in the face of the evidence, still hesitated to push its claims;⁴ while the British Government, for the time being, neither disclaimed nor affirmed the act except in an unofficial way;⁵ the demands for an explanation and reparation, not being urged, remained unanswered, until the whole matter was suddenly reopened by the arrest and trial of a British subject, Alexander McLeod, by the State of New York.

McLeod had foolishly boasted of having taken part in the expedition for cutting out the *Caroline*; and had even confessed to the killing of Durfee, the one person found dead upon the dock after the seizure of the *Caroline*.⁶ This

1. Bill for Murder, Niagara General Sessions, Jan. 23, 1838. Ex. Doc. 25 Cong. 3 Sess., IX, No. 302, 31.

2. Fox to Forsyth, Feb. 16, 1838. Ex. Doc. 25 Cong. 3 Sess., IV, No. 183, 2.

3. Stevenson to Lord Palmerston, May 22, 1838, Ex. Doc. 25 Cong. 3 Sess., No. 183, p. 4.

4. *Ibid.*, 6.

5. Fox to Forsyth, Feb. 6, 1838, Ex. Doc. 25 Cong. 2 Sess., No. 302, p. 3.

6. Testimony of Norman Barnum, *Ibid.*, 27.

gasconading was not forgotten by the people of New York; for on his crossing to the United States, he was arrested at Lewiston, Nov. 12, 1840; indicted at the Niagara general session, in February, 1841; charged with the murder of Amos Durfee; and placed in Lockport jail to await trial.¹ The English Government through its minister, Mr. Fox, demanded his immediate release on the ground that "the destruction of the steamboat Caroline was a public act of persons in her Majesty's service, obeying the orders of their superior authorities"; and that according to the "usages of nations" the act was subject to the discussion of the two national governments alone, and could "not justly be made the ground of legal proceedings."² In reply, Mr. Forsyth informed the British minister that the President was "unable to recognize the validity" of the demand; that the jurisdiction of the several states was "perfectly independent of the Federal Government"; that the question arose out of "a most unjustifiable invasion," the destruction of a steamboat, and "the murder of one or more American citizens"; that if the destruction of the Caroline "was a public act of persons—obeying the orders of their superior authorities," the fact had not before been communicated to the United States Government "by a person authorized to make the admission."³

McLeod after his imprisonment at Lockport was brought before the Supreme Court of New York by writ of *habeas corpus*, and his discharge was asked for on the ground that whatever part he had taken in the Caroline affair had been done under orders from his Government. The court refused to discharge him on the ground that the proceedings of the British in coming into New York territory to seize the steamer were unlawful; and that the man in custody having killed another in New York territory was guilty of murder.⁴ This holding of the court was severely criticised by some of the leading legal authorities of the country.⁵

1. 25 Wendell, 483.

2. Fox to Forsyth, Dec. 13, 1840, 25 Wendell, 500.

3. *Ibid.*, 502.

4. *Ibid.*, 596; J. B. Angell, "Lectures on Public International Law," 62.

5. Review by Judge Tallmadge, 25 Wend., 663; Append., Webster's works, V, 129.

Pending the trial a change of administration took place: the Democrats went out and the Whigs came in under Harrison and Tyler; Secretary of State Forsyth gave way to Daniel Webster. The British Government boldly renewed its demand for "the immediate release" of McLeod and advised the President "to take into his most deliberate consideration the serious nature of the consequences which must ensue, from a rejection" of the demands.¹ Pretty strong language had been used in some of the notes from her Majesty's Government which Webster in his reply called to the attention of the British minister: he emphatically denied that the American sympathizers were "American pirates," or that they had been "permitted to arm and organize themselves within the territory of the United States." He said that on a frontier "long enough to divide the whole of England into halves" violences might sometimes occur "equally against the will of both countries and that such things might happen in the United States, without any reproach to the Government, "since their institutions entirely discourage the keeping up of large standing armies in time of peace"; that their situation happily exempted them "from the necessity of maintaining such expensive and dangerous establishments." He further said that the prime movers in all these border raids were British subjects who came to our citizens, seeking to enlist their sympathies "by all the motives which they are able to address to them." Webster held that McLeod could not be released because he was on trial for murder; that his case must be disposed of in accordance with the methods of legal procedure, and that while he was willing to accept the public character of the Caroline affair, he did not think it could be justified by "any reasonable application or construction of the right of self-defence under the laws of nations"; that if such things were allowed to occur, "they must lead to bloody and exasperated war"; that to justify the act, her Majesty's Government must show "a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation," that "daylight could not be waited for"; that there "was neces-

1. Fox to Webster, March 12, 1841; Webster's works, VI, 247.

sity, present and inevitable, for attacking her in the darkness of the night, while moored to the shore, and while unarmed men were asleep on board, killing some and wounding others, and then drawing her into the current above the cataract, setting her on fire, and, careless to know whether there might not be in her the innocent with the guilty, or the living with the dead, committing her to a fate which fills the imagination with horror!" "A necessity for all this," wrote Webster, "the Government of the United States cannot believe to have existed."¹

In the midst of such serious correspondence came the trial of McLeod. It was held in the Circuit Court of the state of New York at Utica, and lasted from the 4th to the 8th day of October, 1841. Excitement ran high; and so solicitous was the General Government that a fair trial take place, that the Attorney-General, Mr. Crittenden, was sent to manage the defense, and General Scott, of the United States army, to protect the prisoner "from popular violence."²

On behalf of the prosecution three witnesses swore that they saw McLeod enter one of the boats that made up the expedition to cut out the *Caroline*; one that he saw him return; two that they heard him admit being present; three declared that he had killed one man; one that he had admitted the killing of Durfee. An *alibi* was set up by the defense, and several witnesses swore that he was not of the number that made up the expedition.³ Whether he was guilty or not the jury declared him not guilty. Thus the Federal Government was relieved from embarrassment, and the danger of war was again averted. Now that the popular clamor for a trial had been satisfied the State government no doubt was glad to be relieved from a position that could not be sustained in the light of the best authorities on public or international law.⁴

To avoid similar difficulties in the future, Congress

1. Webster to Fox, April 24, 1841, Webster's works, VI, 250.

2. Benton, "Thirty Years View," II, 286; Mrs. C. Coleman, "Life of Crittenden," 149.

3. Lindsey, II, 161; "The Trial of McLeod."

4. See Citations, Webster's works, VI, 266, 268.

passed an act, Aug. 29, 1842, whereby such cases might be brought before the federal courts.¹ The same year saw an adjustment of the Caroline affair. Mr. Webster in a note to Lord Ashburton spoke of the matter as "a wrong and an offence to the sovereignty and dignity of the United States, being a violation of their soil and territory; a wrong for which to this day, no atonement, or even apology, has been made."² To which Lord Ashburton made immediate reply that "the British officers who executed this transaction, and their government who approved it, intended no slight or disrespect to the sovereign authority of the United States"; that what was to be most regretted was, "that some explanation and apology for this occurrence was not immediately made."³ Here the matter ended, being swallowed up in the weightier matters that went to make up the treaty of Washington; and if reparation was wanting for the Caroline it found plentiful compensation in the territory gained by the settlement of the northeast boundary line.⁴

V. EVACUATION.

Whether or not the destruction of the Caroline was justifiable its rashness can scarcely be exaggerated. There is little to commend the deed except the halo that must ever surround the successful accomplishment of a bold and daring feat. The two governments were agreed as to the suppression of hostile invasion; the steamer had made but three trips to Navy Island, all in the afternoon of the first day out from Buffalo; no time had been taken to inform the United States Government concerning the boat, or time to allow the proper authorities to arrest her movements: furthermore, at the time of the attack, Navy Island contained less than 200 men,⁵ while the British forces numbered about 1600 who

1. Revised Statutes, Secs. 752-754.

2. Webster's works, VI, 292.

3. *Ibid.*, 294, 300.

4. Hopkins, "The Progress of Canada in the Century," 270.

5. Private letters of Nelson Gorham, Dent, II, 193, *note*.

might with more consistency have taken possession of the island,¹ and thereby have avoided an occasion for great national offence. The effect was likewise miscalculated; for according to Sir Francis Bond Head: "Before it took place American 'Sympathy' for our absconded Traitors was unbridled and unchecked"; but no sooner was "the Caroline in Flames than a sudden Excitement prevailed, but it was the Excitement of Fear. The Women fled from the Villages on the Coast, People who had fancied themselves bed-ridden decamped, and the Citizens of Buffalo evinced the greatest possible Consternation for the Safety of their Town."² True there was excitement but it was of the kind that begot a spirit of retaliation; a kind that augmented rather than assuaged the spirit of war and border raid. John Doyle, a reviewer of Sir Francis Bond Head's "Narrative" in the *Westminster Review*, says that "there was not the slightest danger till the destruction of the Caroline; that there was no necessity for that act, and that it could not have taken place had Sir Francis at the outset done his duty in crushing the invasion; that that act, in truth, created all the danger which ever did exist."³

The forces on Navy Island, hitherto made up largely of Canadian refugees, were rapidly increased by Americans to triple their numbers;⁴ city after city vied with one another in its enthusiastic support of the Patriot cause; the state militia of New York, called out to maintain peace, threatened for the moment to go over in a body to Navy Island and join the Patriot army;⁵ even Congress felt the influence of the wave of popular sentiment that swept over the country.⁶

The logic of events moved westward, and for a time

1. Lindsey, II, 164; F. B. Head to Sir J. Colborne, Dec. 26, 1837, in Parlt. Reports, Canada, 1838, 74.

2. Sir F. B. Head to Lord Glenelg, Feb. 9, 1838, in Parlt. Reports, Canada, 1839, III, 467.

3. *Westminster Review*, XXXII, 239; Joseph B. Bishop, "Our Political Drama," 112-113.

4. Gen. R. Van Rensselaer to his father, Jan. 4, 1838, Bonney, "Legacy of Historical Gleanings," II.

5. Lindsey, II, 153.

6. Report of Committee on Foreign Affairs, Feb. 13, 1841, 2d Sess. 26 Cong., No. 162.

Detroit became the chief center of action. The city hall was thrown open for public meetings in behalf of the Patriot cause; the Patriot Army of the Northwest was organized, with Henry S. Handy, as commander-in-chief, having authority over the whole of western Canada; James M. Wilson, as major-general; E. J. Roberts of Detroit, as brigadier-general of the first brigade; Dr. Edward Alexander Theller, formerly of Montreal, as brigadier-general, to command the first brigade of French and Irish troops to be raised in Canada. Colonels were appointed; the staff was organized; and the council of war made preparations for invasion.¹ The proceeds of the Detroit theater were devoted by Manager McKinney to the cause; here, also, on New Year's day, 1838, a public meeting was held at which money and arms were subscribed. Four days later the jail was forced; the jailor overpowered, and 450 muskets, stored there for safe keeping by the authorities, were taken and appropriated by the Patriots.²

So open and outspoken did the Patriots become in their project that the "friendly" governor of Michigan was obliged quietly to intimate to Commander-in-chief Handy that "he should be obliged to disperse the Patriot forces, and that they must move to some other place."³ They decided to move; the steamboat McComb and the schooner Anne were secured; arms, munitions and provisions were put upon the schooner, and the troops were to be put upon the steamer which was to take in tow the schooner. Before the steamer was ready she was seized by General Brady of the United States army and a guard placed over her.⁴ The steamboat Brady was then contracted for; but she too was seized. Not to be baffled, General Handy ordered General Wilson to take the troops under cover of night to Gibraltar, across from Fort Malden, at the mouth of the Detroit river; and to tow the schooner Anne down the river with yawl-boats. That night the schooner was rowed down stream to the

1. Lindsey, II, 168; Mich. Pioneer Coll., XXI, 521.

2. Mich. Pioneer Coll., Vol. XXI, 522.

3. Lindsey, II, 168.

4. *Ibid.*, 169.

River Rouge, where a sail was procured; and, under command of Colonel Davis, she started towards Gibraltar, but meeting the steamer *United States*, Colonel Davis took alarm and returned to Detroit.¹

The following day, January 6th, General Handy ordered Colonel Davis of Mount Clements to take his two companies of riflemen to Peach Island, six miles above Detroit, where he would meet him the next day. Again word came from Governor Mason that "he and the Brady Guards would probably be at Gibraltar on the 18th, from which point he should be obliged to disperse the troops." On receiving this information General Handy sent orders to Brigadier-General Roberts, that on the morning before the Governor should arrive, he should place the arms and munition on board the *Anne*; and the troops on board sloops, scows, yawl-boats and canoes; that he should make a landing at Bois Blanc Island; and unload all from the *Anne* except three cannon and thirty men under Colonel Davis to man them; that he should throw up temporary fortifications; prepare the schooner for action; and, on the morning of the 9th, run up the tri-colored flag, and demand the surrender of Fort Malden; that in case of refusal to surrender, the fort should be carried by storm. General Handy proposed at the same time to move with Colonel Davis's troops; seize the public stores at Sandwich and Windsor; then march to Malden and assume command.²

These plans, however, were destined to interruption from an unexpected source. General Rensselaer Van Rensselaer in planning larger things than the seizure of Navy Island, had on the 28th of December ordered Brigadier-General Sutherland to Detroit to "promote every arrangement for making a descent upon Canada."³ The general set out at once; stopped at Cleveland; raised troops; secured the steamboat *Erie*; and on arriving at Gibraltar claimed from General Roberts, by virtue of his instructions, the chief com-

1. John Prince to Gov. Mason, Jan. 6, 1838, *Parlt. Reports, Canada*.

2. *Lindsey*, II, 170.

3. *Ibid.*, 167, *note*.

mand.¹ General Handy being informed of the situation hastened to Gibraltar; and after some difficulty adjusted matters by giving Sutherland the command provided he "would implicitly obey the orders of the Commander-in-chief sent to General Roberts" until he himself should reach the island. This being assented to, Sutherland assumed command, placing General Theller in charge of the schooner *Anne*.²

Meanwhile opposition was brewing at Detroit: a public meeting of the leading citizens was held at the city hall; addresses were made; and resolutions passed "to sustain the Government in its efforts to preserve neutrality."³ Governor Mason deemed it proper to act: the militia were called out; the arsenal at Dearborn drawn on for arms, munitions, and accoutrements; and the "armed militia, with eight rounds of ball cartridges each, embarked" with the ostensible purpose of arresting the rebels and preventing "any breaches of international peace."⁴ The expedition left Detroit about ten o'clock; and after getting under way, the soldiers "stacked arms" on deck; reclined at ease, and dined "in true military style on bread and raw salt pork."⁵ On arriving at Gibraltar, the governor and staff spent an hour on shore, then returned; and the boats put out for Detroit. Next day the *Morning Post* published the following account of the expedition: "Killed, none; wounded, one man in the cheek by handling his musket carelessly; missing, none; army, 400 stand; ammunition, eight rounds of ball and buckshot cartridge; provisions, several barrels of pork and bread. Losses of the enemy not known, as he had not been seen, but supposed to be heavy."⁶ Such was the character of state interference to Canadian invasion in the West just after the burning of the *Caroline*.

1. *Ibid.*, 171.

2. *Ibid.*, 171; Mich. Pioneer Coll., XXI, 522.

3. Mich. Pioneer Coll., XXI, 522.

4. *Ibid.*, 523; *ibid.*, XII, 417; Adj. Gen. Schwartz to Authorities at Sandwich, U. C., Jan. 8, 1838.

5. Mich. Pioneer Coll., XII, 417.

6. *Ibid.*, 418; *ibid.*, XXI, 522, 523. "This movement was not attended with any good results." J. Price, Parl. Reports, Canada, 1838, p. 108, note 2.

Though highly favored so far as state action was concerned, nevertheless, the expedition against Fort Malden was destined to prove abortive. Either by adverse winds or through disobedience of orders, Sugar Island rather than Bois Blanc was made the place of landing. From here on the 9th, General Sutherland with sixty volunteers proceeded to Bois Blanc Island; hoisted the tri-colored flag; and issued a proclamation to the "Patriot Citizens of Upper Canada," calling upon them by the voice of their "bleeding" country to rally around the "standard of Liberty."¹ The schooner *Anne* was ordered to move round the island in front of Fort Malden. In attempting to carry out orders the schooner, becoming unmanageable, drifted toward the main shore where she was beached.² The Canadian militia opened fire on her; boarded her, and took possession of the whole outfit.³ General Sutherland, on discovering the fate of the schooner, took fright and, in spite of the protest of his men who wished to rescue the boat, cried out, "Away to Sugar Island! Fly, fly, fly, all is lost!"⁴

The next day General Handy arrived; and by vote of the troops took command, hoping to retrieve the Patriot misfortunes. He remained several days on Sugar Island, drilling the troops, while awaiting new military supplies from Detroit; but no supplies came; and the ice, filling the river in large quantities, threatened to cut off his means of escape. Under these circumstances the friendly Governor of Michigan was petitioned for assistance. The Governor responded to the call; proceeded to Gibraltar with the avowed purpose of dispersing the rebels; met General Handy there and then proceeded to Sugar Island with the steamer *Erie*; transported the troops to the main shore; receipted for the arms taken; and returned to Detroit.⁵

Still undaunted, preparations were immediately begun

1. Lindsey, II, 172, *note*.

2. *Ibid.*, 173.

3. Col. Radcliffe to Military Sec. Strachan, Jan. 10, 1838; Head to Glenelg, March 17, 1838, *Parlt. Reports, Canada*, 1838.

4. Lindsey, II, 173; *Mich. Pioneer Coll.*, XXI, 523.

5. Lindsey, II, 177.

for a third attempt upon Fort Malden. The troops housed in canal shanties near Gibraltar were drilled for some days without arms, the attempts to furnish them having been frustrated by the vigilance of the United States marshal and the federal troops under General Brady. The Governor and state militia seem to have entered into a plot at this time to assist the Patriots. Six hundred of the militia were called out to enforce the neutrality laws; one half of them had their headquarters at the city hall in Detroit. The night they received their arms they are supposed to have stacked them in the outer porch of the hall for the purpose of having them seized by Handy's men who were to become volunteers in the paid service of the state while they prepared for the attack on Fort Malden.¹ This project also failed; for Sutherland, the rival general, seized the arms and secreted them; but they were retaken on the following day. As a result General Brady's suspicions were aroused, and the militia were no longer trusted with arms. "Thus," says Handy in his manuscript report, "was the third and last arrangement to carry out the campaign broken up by treachery or ignorance."²

In the meantime changes were taking place at the Patriot headquarters in the East. Navy Island had been possessed by the Patriots with the intent of soon crossing over to join their forces with those of Dr. Duncombe in the West.³ Dr. Duncombe, whom we have already noted,⁴ had followed Mackenzie in his method of organization: a provisional committee had been formed; secret meetings held; a military leader chosen with the view of assembling at Brantford; from which place they were to make a descent upon Hamilton.⁵ Like the other uprisings in Canada his followers were poorly organized and without arms; and on the approach of Colonel McNab after the defeat of Mackenzie near Toronto they withdrew westward, and the attempt at revolt was suppressed without bloodshed; the leaders crossed over into

1. *Ibid.*, 178.

2. *Ibid.*, 179.

3. *Lindsay*, II, 165.

4. *Chap.* ii.

5. *Kingsford*, X, 419.

the United States; while their followers either joined McNab's forces or petitioned him for clemency on promise of humble submission.¹

Dr. Duncombe's effort at revolution having proved futile, the main purpose for which Navy Island had been seized disappeared. Although the Patriot forces on the island had rapidly increased since the destruction of the *Caroline*, they still were too few in number and too poorly equipped in certain respects, to make a successful invasion. The vastly superior forces on the mainland, protected by strong fortifications; the vigilance of United States authorities who circumvented in one way or another the Patriots' plans; the impossibility of procuring the means of transportation, because, says General Van Rensselaer, "General Scott's *money-bags* were too heavy for us," led the Patriots to give up the idea of invading Canada from Navy Island.² "These brave men," says General Van Rensselaer, "stayed on Navy Island, for a month, left it, and not in fear of their opponents."³ The British across the river loudly boasted of the ease and swiftness with which they would rid her Majesty's territory of the "Pirates"; they gathered troops; secured boats of various kinds, sufficient to transport their entire forces to the island; made threats of attack, delayed; called in their Indian and Negro allies; made more boasts, more threats; but still hesitated, seemingly awed by a fear entirely out of keeping with the usual military skill and daring of Canadian soldiers.⁴

The seizure of the island by the Patriots; the readiness with which provisions and munitions of war were furnished for maintaining the position;⁵ the fear inspired in the enemy; and the ease and safety with which the evacuation was accomplished, mark the Navy Island campaign as the most successful of any in the history of the rebellion.

1. Petition, Parl. Reports, Canada, 1838, No. 19, 77; Head's Dispatches, Dec. 28, 1837.

2. "Narrative of Van Rensselaer," Mrs. Bonney, "Legacy of Hist. Gleanings," II, ch. iv, Jan. 18, 1838; "Autobiography of Gen. Scott," I, 314.

3. "Narrative of Van Rensselaer."

4. *Westminster Review*, XXXII, 239; "Reminiscences of Chas. Durand," 508, 514.

5. Dr. Johnson to Van Rensselaer, Jan. 4, 1838.

Whether the success of this exploit was due to the timidity of the enemy;¹ or to the military skill of the inexperienced general in command;² or to the timely and wholesome instructions of the senior Van Rensselaer, whose military ability is well known;³ or to the good sense of the executive committee at Buffalo, is difficult to determine. One thing is certain: that finding the forces at the island insufficient in numbers, and lacking in certain essential means for a permanent invasion of Canada, the executive committee exercised the rare good judgment to order a withdrawal from the island.⁴ The evacuation took place without molestation, Jan. 14, 1838.⁵

Withdrawal from Navy Island, however, did not mean the abandonment of the campaign; for before leaving, a general plan seems to have been formed whereby invasions at various points along the border from Michigan to Vermont were to be made simultaneously.⁶ The date chosen for these invasions was Washington's birthday; and some of the places designated as the points from which these incursions were to be made were: Detroit, Sandusky, Watertown, and the region of Plattsburg.

The first point of attack was Fighting Island, a Canadian island some seven miles below Detroit. On the night of Feb. 23, 1838, the movement began; the steamboat *Erie* took on board supplies at Detroit and steamed down to the island. General Sutherland, having addressed a body of Patriots at the Eagle tavern offering them "land and glory," marched them down to the shore opposite the island where they were joined by 400 troops from Cleveland under Gen-

1. Van Rensselaer, "Narrative."

2. *Ibid.*; Nelson Gorham to editor *Cayuga Patriot*, March 7, 1838.

3. Letters of father to son, Mrs. Bonney, "Legacy of Hist. Gleanings," II, ch. iv.

4. Van Rensselaer to his father, Jan. 8, 1838, *ibid.*; E. G. Lindsey, "Navy Island Campaign," 10; Lindsey, II, 164.

5. Col. Hughes to Gen. Scott, Jan. 16, 1838; Ex. Doc. 25 Cong. 3 Sess., No. 181, p. 30; Van Rensselaer, "Narrative."

6. Van Rensselaer to father, Jan. 8; *Dem. Rev.*, June, 1838, 101; Lindsey, II, 181; Niles, LIV, 20; LIII, 409; Head to Lord Glenelg, March 14, 1838, Parlt. Rep., Canada, No. 33.

eral Donald McLeod. They crossed over to Fighting Island; but were poorly equipped for fighting, the arms they were expecting to arrive having been captured by the authorities the previous night.¹ The Canadian authorities, being informed of the movement, assembled their troops; crossed over on the ice February 25th; and soon dispersed the invaders.²

Two days later the Patriot forces under General Van Rensselaer advanced from Watertown, in Jefferson County, New York. Through the influence of messengers sent to all parts of the country nearly 1500 men were gathered at French Creek, a stream which enters the St. Lawrence some distance below Kingston. To aid this corps, the arsenals at Watertown, Batavia and Elizabethtown had been plundered.³ Thus equipped, Hickory Island, a Canadian island, but a short distance below Kingston, was seized. By correspondence Mackenzie had arranged an uprising on the part of the Canadians to coöperate with the army of invasion. "Fort Henry was garrisoned by civilians; a person in the fort had agreed to spike the guns, on the approach of the Patriots, and at a concerted signal to throw open the gates for their admittance."⁴ But this expedition planned with such care was destined to prove a failure. A rivalry which had begun between the two leaders on Navy Island deepened into open hostility: Mackenzie would take no part in the expedition if Van Rensselaer led it. "I cannot," says Mackenzie, "sail in a boat to be piloted as he thinks fit."⁵ He even went so far as to insert notices in the papers disclaiming all association with Van Rensselaer and urging his friends "to withdraw all confidence from him in matters connected with Canada."⁶ On the other hand Van Rensselaer

1. Mich. Pioneer Coll., XXI, 529.

2. *Ibid.*, 531; Head to Lord Glenelg, March 20, 1838, Parl. Rep., Canada, No. 43; *Dem. Rev.*, June, 1838.

3. *Dem. Rev.*, June, 1838, 102; Gov. Marcy's Proclamation, March 1, 1838; Niles, LIV, 19.

4. Lindsey, II, 182.

5. *Ibid.*, 181; Van Rensselaer, "Narrative."

6. Mackenzie to editor of *Jeffersonian*, Feb. 22, 1838; Watertown papers, Feb. 17, 1838.

was bent on control of the expedition. This quarrel of the leaders, and the dissipation of the Patriot commander during the several days' stay on the island filled the troops with distrust; they began leaving in squads; and but few could be prevailed upon to persevere; as a consequence the enterprise was abandoned.¹

The third movement upon Canada was under the command of Doctors Nelson and Cote, and took place on the last day of February. The events connected with it have already been recited and need no further comment.²

The last of these futile expeditions took place on the north-western frontier, and was not terminated without bloodshed. A strong body of men composed of the numerous bands that had previously dispersed found a rendezvous at Sandusky Bay; and about March 1st, took possession of Pelee Island, situated in Lake Erie some fifty miles south-east of Detroit. This island, which belongs to Canada, is the largest of the Put-in-Bay group, being nine miles in length, and containing 11,000 acres of land.³ Here the raw recruits increased by squads from the various parts of Michigan, Canada, New York, Ohio, and Pennsylvania to several hundred men, spent two days in constant drilling under the leadership of George Van Rensselaer, a relative of the Van Rensselaer of Navy Island fame, and General Sutherland.⁴ The ice on the lake was about fifteen inches thick from shore to shore. A large number of sympathizing spectators had crossed over in sleighs from the vicinity of Sandusky to view the contemplated invasion of Canada.⁵ The arms which were to be furnished for the expedition by Colonel John L. Vreeland, the "master of ordnances," failed to appear; the experience of Fighting Island was repeated; the United States authorities had captured all the arms but one sleigh load.⁶

1. Niles, LIV, 19.

2. Chap. iii.

3. Mich. Pioneer Coll., XXI, 534.

4. *Ibid.*, 535.

5. *Ibid.*, 534; see also report of Col. E. D. Bradley to Gen. McLeod, T. E. Wing, "History of Monroe County, Michigan," 204.

6. Mich. Pioneer Coll., XXI, 537.

More arms were sent for but in the meantime the British becoming aware of the intrusion upon their territory made ready to attack the invaders. Colonel Maitland moved his whole force, consisting of "two guns, five companies of regulars, and about 200 militia and Indians, of which forty were cavalry" to a point opposite the rebels; and at two o'clock in the morning on the third of March started across the ice for the island.¹ At an early hour the Patriot scouts announced the approach of the red-coats. A council of war was called; some of the wiser heads advised immediate retreat; but the majority clamored for war; they had come "to fight," and wanted "to have the fun of it."²

Meanwhile the loyalists were advancing: the regulars to the west shore of the island; the cavalry to the east shore; while the militia landing on the north shore swept across the island. On the south end nearest the American shore the Patriots were formed in line, with less than 200 guns for the entire force.³ The armed men were placed in front, the unarmed back of them ready to seize the guns of any comrades that fell, and thus arranged, they awaited the attack of the British. Nor had they long to wait, for the British regulars circling round the island were soon upon them; while the militia crowded upon their back. A brisk engagement with the regulars soon took place in which the Patriots, considering their meagre equipments, conducted themselves with rare courage. They disentangled themselves from the net that had been set for them, and withdrew to the mainland with but a comparatively small loss. Major Hoadley, Captains Van Rensselaer and McKeon, with a few privates were killed;⁴ while the British regulars sustained the severe loss of thirty men in killed and wounded.⁵ Arriving at the American shore the retreating Patriots were met by General Hugh Brady with a company of Ohio militia; their arms

1. *Dem. Rev.*, June, 1838, 102.

2. *Mich. Pioneer Coll.*, XXI, 537.

3. *Ibid.*

4. Conflicting accounts, *Mich. Pioneer Coll.*, XXI, 600, 601; *Dem. Rev.*, June, 1838, 102; Bradley's account, Wing, "Hist. of Monroe County, Mich.," 203.

5. *Ibid.*; Head to Lord Glenelg, March 14, 1838, *Parlt. Rep.*, Canada, No. 33.

taken from them; disbanded; and then allowed to return to their homes.¹

With this episode of Pelee Island comes to a close the expeditions planned for February 22d; and with their failure closes the active career of the chief leaders. William Lyon Mackenzie betook himself to newspaper work; was soon indicted for the part taken in the Navy Island campaign, and convicted and sentenced to imprisonment.² Rensselaer Van Rensselaer, shunned by the Patriots because of his failure to win laurels in the East, threw up his commission "in disgust at the want of good faith, and the base ingratitude of Mackenzie." Soon afterwards he was arrested by the United States authorities and placed in jail for the violation of the neutrality laws.³ While Thomas Jefferson Sutherland, having been captured by the British near Detroit after the battle of Pelee Island, was hurried off to Toronto jail to await such justice as her Majesty's officials in Canada were likely to bestow upon "rebels" and "pirates."⁴

VI. SECRECY.

With the performance of the fiascos planned for Washington's birthday, and the removal of the chief leaders from the stage of action the curtain drops upon the Navy Island campaign. New leaders with new methods come upon the scene of action. The enactment of more stringent laws for the enforcement of neutrality; the more complete extension of troops along the entire border on either side; the extensive system of espionage whereby the plans of the revolutionists being made known were frustrated; and the swiftness and severity with which justice was meted out to the apprehended violators of international comity, led the Patriots to abandon the publicity and open organization of the

1. Mich. Pioneer Coll., XXI, 540.

2. Lindsey, II, 185, 243, 252.

3. *Ibid.*, 182; Mich. Pioneer Coll., XXI, 533; Van Rensselaer, "Narrative."

4. Mich. Pioneer Coll., XXI, 541; Head to Lord Glenelg, March 14, 1838, Parlt. Rep., Canada, No. 33.

early period of the struggle and assume toward the public more reticence and an organization whose members were bound together by strong oaths to maintain profound secrecy while binding themselves likewise to do all within their power to further the interests of their cherished project.

The beginnings of these organizations seem to have been in March, 1838. At a meeting held at Lockport, New York, on the nineteenth of March, a committee consisting of Dr. A. Mackenzie, George H. Clark, Samuel Chandler, Michael Marcellus Mills, Dr. J. T. Willson, Silas Fletcher, Dr. Charles Duncombe, William L. Mackenzie, General Donald McLeod, William H. Doyle, James Marshalls, Jacob Rymal, and Nelson Gorham, was formed to secure information relative to the Canadian refugees in the United States: their number, location and condition were among the things to be ascertained; the committee was, also, instructed to draw up articles of association by means of which their sufferings might "be mitigated and a redress of their grievance obtained"; and, "to adopt such other measures as, in their discretion, might best conduce to their welfare."¹ The name given to this organization was: "Canadian Refugee Relief Association." Dr. Alexander Mackenzie, at one time a resident of Hamilton, Canada, was made president of the association; his headquarters were to be at Lockport, whither all correspondence was ordered to be directed. Agents were to be sent throughout the Union in the interests of the society; and for the purpose of establishing branch unions. General Donald McLeod, who had just come from the West, and was "not discouraged" was made general organizer of the association and soon proceeded to the St. Lawrence river under directions of the general committee.

As a result of this association disturbances upon the frontier were soon renewed. On the night of the 29th of May, 1838, the *Sir Robert Peel*, a Canadian steamer, landed at Wells' Island, a few miles below French Creek, for the purpose of laying in a supply of wood. About two o'clock in the morning, the steamer was boarded by a band of Patriots, disguised as Indians. Raising the cry of "Remember the

1. Lindsey, II, 186.

Caroline!" they aroused the passengers aboard and ordered them with their baggage ashore. After assisting in the removal of the luggage they took possession of the vessel; set fire to her, and burned her to the water's edge.¹ General McLeod, who was organizing the Canadian Refugee Association on the St. Lawrence at the time, seems to have been associated with the expedition, though the command of "this curious naval foray" was under Commodore William Johnston. For some time after the burning of the *Sir Robert Peel*, Johnston rendezvoused among the Thousand Islands, where among the labyrinthine passages he easily escaped all pursuers and struck terror into the whole region by his sudden and daring exploits.

The burning of the *Sir Robert Peel* was followed during the month of June by two attempts at invasion of Canada from the Niagara region. At Clark's Point near Lewiston some 200 men under the leadership of Colonel George Washington Case and Colonel James Morreau assembled June 8, 1838. A scow and an open boat lay moored to the shore. Colonel Chase, who was the commanding officer, called for volunteers to enter the boats, claiming that a steamer would soon appear to tow them across the river. For some reason only twenty-three men responded to the call, which so disgusted Chase that he refused to go further with the expedition; so the attempt to cross the river near Lewiston was abandoned.²

Colonel Morreau, however, took up the cause, and three days later crossed over into Canada by way of Navy Island and Chippewa. His followers consisted of but twenty-five persons: twenty-four Canadians and an American youth named Cooley. All along the Niagara frontier were many sympathizers with the Patriots; it was claimed that several thousand were ready to join arms against the "family compact" system whenever sufficient reinforcements should appear from across the river. Advices received from the spies urged Morreau to advance; so the "twin stars" was hoisted

1. Earl of Durham to Lord Glenelg, June 2, 1838, *Parlt. Rep., Canada*, No. 2; *Mich. Pioneer Coll.*, XXI, 541.

2. *Mich. Pioneer Coll.*, XXI, 542.

and the sympathizers urged to join the expedition. Having secured fifty or sixty stand of arms and a supply of provisions the band proceeded towards the Short Hills, some twenty-five miles west of the Niagara river. On failing to secure the promised reinforcements Colonel Morreau wished to retreat; but others of the company wished to attack a party of lancers at St. Johns. Word had come from McLeod, also, that he would join them with more troops. So on the night of June 20th, they advanced upon the lancers, quartered at Osterhout's tavern. The tavern was fired, and the lancers taken prisoners, though they were soon released on making an oath not to take up arms against the Patriot cause. The horses and arms of the lancers, however, were appropriated.¹

As there was no rallying to the cause among the inhabitants, the band broke up into small parties that they might the better make their escape to the United States. Thirty of the company, however, were arrested; among them were Morreau, who first planned the party, Major Benjamin Wait, a Patriot hero of Pelee Island, Samuel Chandler, a prominent member of the Canadian Refugee Relief Association, and Donald McLeod, the leading organizer of the association. Thus closed the expeditions of this association so far as we have been able to discover; though there is evidence that McLeod was planning in connection with another association in the West a general assault upon Canada for July 4th.²

William Lyon Mackenzie, though chosen a member of the executive committee of the Canadian Refugee Relief Association, seems not to have been present at the first meeting nor to have taken any part in the organization. Whenever he learned of any contemplated invasion of Canada, he wrote to Lockport advising them "to abandon all such attempts as injurious to the cause of good government in Canada."³ He had not, however, given up his desire for the independence of the Provinces, but disap-

1. Mich. Pioneer Coll., XXI, 544.

2. *Ibid.*, 544; Sir Geo. Arthur to Lord Glenelg, June 30, 1838, Parlt. Rep., Canada, No. 32; Kingsford, X, 479; Lindsey, II, 193.

3. Lindsey, II, 196.

proved their methods. "Their organization and union," he said, "apart from that of the associations who aid them, is nothing. They have little influence, nor will it increase until a better system is adopted. I shall try to get up such an organization—and make such use of that already in operation, as will probably somewhat change the aspect of Canadian affairs. The material is before us if we choose to make use of it."¹

Acting upon his belief he issued a confidential circular, March 12, 1839, calling a special convention to be held at Rochester, New York. The convention was to be made up of Canadians, or persons connected with Canada who were favorable "to the attainment of its political independence, and the entire separation of its government from the political power of Great Britain."² Some fifty persons responded to the call: on the 21st and 22d of March they met at Rochester; organized an association of Canadian Refugees; elected Mr. Montgomery, President; Mr. Mackenzie, Secretary, and Samuel Moulson, Treasurer. A circular was issued setting forth the character of the newly-constituted society. The association was open to all those who had left Canada within two years, or were refugees from thence for political causes, or who, having been born British subjects, were desirous of aiding the Canadians in winning independence. The organization was to be known as "the Canadian Association"; and its objects were: to obtain for the North American Colonies the power of choosing their form of government; to prevent hasty and ill-planned attacks upon Canada; to discountenance the burning of private property or the taking of human life in Canada, except by legal trial and conviction; to disapprove of further expeditions into Canada from the States so long as the United States Government considered the Union "bound by treaties to abstain from such invasions"; to act in concert with all patriotic societies within any state of the Union for aiding the Canadians by all lawful means "in obtaining relief from the British yoke."³ The circular contained a table for each sub-

1. *Ibid.*, 232.

2. *Ibid.*, 238.

3. *Ibid.*, 239.

scriber to make out requiring: "names of volunteers in the township of —— who would be ready in case five thousand men joined them on this side, to go into Canada—as soon as the Canadians should have planted the standard on their own soil";¹ the means each volunteer had of transporting himself to the place of rendezvous; and the names of any having served in the armies of any nation, "stating the rank held."

During the previous January a similar convention had been held at Auburn under the name of an "Agricultural meeting."² The information secured by the Rochester circular was to be laid before both the Auburn Executive Committee and the Rochester Special Committee. An auxiliary association including Dr. Duncombe as a leading member was formed at Cincinnati; but no Americans were connected with it. The circular sent out from Rochester did not receive much notice though it was sent to refugees all over the United States. One reply from Florida stated that "in the South, all about the Gulf of Mexico, are hardy maritime people, bred from childhood to fishing, slaving, privateering, wrecking, and piracy, ready, if they can get commissions from any government, to cruise against the rich trade of England"—all of which materials would be available for privateering could the Patriots but "establish a fixed government for three weeks."³ No oath nor affirmation seems to have bound the members of this new organization of Canadian Refugees; nor were any of its members under penalty to perform certain obligations. The burden of advancing Canadian independence was to be thrown upon the Patriots within the provinces; but little money was raised; no expeditions were fitted out; nor does this association seem to have exerted much influence, either upon the Canadians, or upon the other organizations of a more secret order composed for the most part of Americans and directed by Yankee ingenuity.

Owing to the increasing severity of police regulations in

1. *Ibid.*, 240.

2. *Ibid.*, 240.

3. *Ibid.*, 242.

Canada a large number of persons who had been active in the revolutionary movements there crossed over into Michigan during the early summer of 1838. About the first of June there began an organization for the revolution of Canada which was destined to enroll among its membership many thousands of Canadians. The headquarters were in Michigan; and Henry S. Handy, who acted as Commander-in-chief of the new secret army, became the chief promoter of the organization. Each member took the following oath:

"You do solemnly swear, in the presence of Almighty God, that you will bear allegiance and fidelity to the Sons of Liberty engaged in the Patriot service and in the cause of Canadian Independence—that you will obey the orders of your superior officers in whatever department you may serve—that you will never communicate, or in any way divulge the existence or plans of said association. You also swear that you will devote your time, your person, your interest in promoting said cause, so far as may be consistent with your other duties—that you will never sell, barter, or in any way alter any badge that may be bestowed upon you for the purpose of designating your rank in said association. You also swear that you will not disclose or in any way communicate to any person the contents or purport of this Oath, and that you will not converse with any person in reference to this Oath, except in convention, or with the man who first presents it to you."¹

Agents bearing blank commissions signed by Handy were sent throughout the provinces to form secret lodges, initiating only such persons as could be relied upon for the work of revolution. In the more densely populated districts one person was stationed in every square mile of territory with authority to confer commissions on persons suitable to hold the position of captain in the secret army. The colonels were to be elected by the lodges or members that made up the army of revolt. General Handy was kept in constant communication with the entire system of organization by the means of a hundred spies or couriers; each one of whom had a certain beat of ten miles which he covered daily communicating with the one in advance information from the

1. *Ibid.*, 192. This oath was secured from the prisoners the following winter, and possibly may not have been the one administered by Handy.

interior, and receiving such orders as had been forwarded from headquarters. By this system 200 companies containing a hundred men each were enrolled during the month of June. The arms to equip so large a force were to be supplied from the Michigan state arsenal. Among the sentinels at the arsenal were those who had been under the command of General Handy years before when he held a commission in the United States army; others were among those who had coöperated with him during the previous campaign against Fort Malden. General Handy still retained the confidence of these men; and by this means the windows of the arsenal were to be left unfastened; and the way left open for seizing a large supply of arms. In a similar manner the keys to the magazine at Detroit found their way into the hands of General Roberts. Two scows of twenty tons each were taken near the arsenal; and thirty men were designated to remove from the building the fifteen thousand stand of arms together with fifteen cannon and ammunition. Thus were the 20,000 enrolled members of the secret army in the Canadas to be equipped and ready for action whenever the standard of revolt should be raised.

The day selected for striking the first blow was July 4, 1838. Windsor, across from Detroit, was to be seized, the announcement of the uprising heralded with all possible speed by the secret couriers; then all available public arms, munitions, and provisions were to be seized, and some place of strategic importance was to be taken and strongly fortified.¹ But at this juncture took place an incident that defeated all these well-laid plans. Other principles than those of true patriotism and love of liberty dominated some members of this new association. The motive of plunder led one such person to thwart the plans of General Handy. A ruffian named Baker, purporting to be under orders of General Handy, gathered a band of free-booters along the Black River, crossed into Canada and began pillaging. The affair created such a commotion that General Brady of the United States army was put on the alert. His suspicions were aroused, and as a result a new guard was placed over

1. *Ibid.*, 192-195.

the arsenal. Thus on the day before Windsor was to have been taken and the standard of revolt raised in Canada, the plan collapsed from the want of arms. Strenuous efforts were made to secure them elsewhere; Cleveland and other cities were appealed to but in vain.¹ Again General Handy might say as he did at Fighting Island that the last arrangement was "broken up either by treachery or ignorance."

VII. THE HUNTERS.

The association, however, into which all other Patriot organizations were merged because of its purpose; the membership of its lodges; the extent of its resources; the number and variety of its projects; the secrecy with which all its proceedings were conducted, and the vast stretch of territory under its domination, was the "Hunter Lodge." The origin of this lodge is attributed partly to the burning of the Caroline;² and partly as a result of General Handy's failure to gain a foothold in western Canada by the capture of Fort Malden. This led to a belief that the object for which the Patriots sought might be more readily accomplished in the eastern province by augmenting and assisting the rebellious French Canadians in Lower Canada.³ The society seems to have taken its name after a man named Hunter, who lived near the town of Whitby, Upper Canada, in the east riding of the old county of York, but now known as the county of Ontario. This man had been active in the Patriot cause in the Home district; and had narrowly escaped capture at the time of the insurrection on Yonge Street by concealing himself in an old oven ten miles east of Toronto. From here, after the passage of the militia, Hunter escaped to the United States, where after the failure of the first attempts to carry on the revolutionary struggle

1. *Ibid.*, 195. This account of Handy's organization is taken by Lindsey from Handy's own private reports now in the possession of Chas. Lindsey, Toronto. See also enclosures of Sir Geo. Arthur to Lord Glenelg, July 10, 1838, Parlt. Rep., Canada, 1839, II, Nos. 33, 37, pp. 320-324.

2. Kingsford, X, 456.

3. D. B. Read, "The Rebellion of 1837," 352.



from across the border, he set about a work of organization destined to perpetuate his name; the work of forming Hunter lodges.¹

The first Hunter lodges seem to have been established in Vermont in May of 1838.² The work of organization advanced rapidly; and within a few months lodges were established in all the chief centers, from the state of Maine to Wisconsin and inland to the states of Pennsylvania and Kentucky.³ Soon these secret associations penetrated to nearly every town and hamlet along the border on either side and swept over both provinces of Upper and Lower Canada.⁴ The oath taken by the would-be Hunter upon initiation was:

"I swear to do my utmost to promote Republican Institutions and ideas throughout the world—to cherish them, to defend them; and especially devote myself to the propagation, protection, and defence of these institutions in North America. I pledge my life, my property, and my sacred honor to the Association; I bind myself to its interests, and I promise, until death, that I will attack, combat, and help to destroy, by all means that my superior may think proper, every power, authority, of Royal origin, upon this continent; and especially never to rest till all tyrants of Britain cease to have any dominion or footing whatever in North America. I further solemnly swear to obey the orders delivered to me by my superior, and never to disclose any such order, or orders, except to a brother 'Hunter' of the same degree. So help me God."⁵

There seem to have been different degrees of initiation; and a complete system of secret signs, badges, pass-words, cypher or secret alphabets for correspondence, peculiar raps for obtaining admittance at the door, were used as means of communication with each other; and for determining the degree or rank of the various lodges;⁶ and as if to make

1. *Ibid.*, 352.

2. Lindsey, II, 199.

3. Fox to Sec. State, Nov. 3, 1838, Ex. Doc. 25 Cong. 3 Sess., No. 181, Part I, p. 6.

4. Geo. Arthur to Gen. Brady, Oct. 26, 1838, Ex. Doc. 25 Cong. 3 Sess., No. 181, Part II, p. 25.

5. Lindsey, II, 199, *note*.

6. Fox to Sec. State, Nov. 3, Ex. Doc. 25 Cong. 3 Sess., No. 181; Sir Arthur to Gen. Brady, Oct. 26, *ibid.*; Moore's testimony, Sir Arthur to Marquis of Normanby, Sept. 27, 1839, Parlt. Rep., Canada.



more certain the secrecy of their intentions, and to escape the vigilance of the Government's paid spies, the leaders belonged to two or more of the Patriot secret societies, thereby possessing a larger number and variety of secret means of identification and communication.¹ The emblem of the order was the "snowshoe."²

The most important of the lodges were located at Rochester, Buffalo, Lockport, Cleveland, Cincinnati, Detroit, and Port Huron; while the grand lodge of the West to which all reports and communications were to be made was at Cleveland; and that of the East was at Rochester, although Lockport, the headquarters of the Canadian Refugee Relief Association, seems to have received a considerable amount of communication.³

The membership of the Hunter lodges has been variously estimated from 15,000 to 200,000; the majority of estimates, however, claim from 25,000 to 40,000 during the years 1838 and 1839, when the lodge was most active.⁴ All classes appear to have joined the lodges: "Laborers left their employ; apprentices their masters; mechanics abandoned their shops; merchants, their counters; husbands, their families; children, their parents; Christians, their churches; ministers of the gospel, their charge to attend these meetings."⁵ Judges, legislators, governors, army officers, and even the Vice-President of the United States were claimed among the adherents of these lodges.⁶

As already stated, the grand central lodge of the Hunters was at Cleveland. Here from the 16th to the 22d of September, 1838, was held a convention, composed of seventy (or 162 according to one account) representatives from the

1. Moore's testimony, *ibid*; Lane, "Hist. of Akron and Summit Counties, O." p. 596.

2. Lane, "Hist. of Akron and Summit Counties, O." 596.

3. Lindsey, II, 199; Fox. to Sec. State, Nov. 3, 1838; Sir Arthur to Marquis of Normanby, Oct. 15, 1839.

4. Sir Arthur to Gen. Brady, Oct. 26, 1838; Fox to acting Sec. State, Aaron Vail, Feb. 8, 1838.

5. Report of Select Committee of Upper Canada, April 30, 1839.

6. *Ibid.*; Sir Arthur to Gen. Brady, Oct. 26, 1838; testimony of Prisoners captured at Prescott and Windsor, Parl. Rep., Canada.

various lodges.¹ During the sessions of this convention, several matters of importance came before the delegates for adjustment. A republican government for Upper Canada was formed: A. D. Smith, "chief justice of the peace for the city of Cleveland," was made President of the Republic of Canada; Colonel Williams, "a wholesale grocer in Cleveland," was made Vice-President; a Secretary of State, a Secretary of Treasury, and a Secretary of War were, also, appointed.² A military organization was completed: Lucius Verus Bierce, a lawyer, and a man who, because of his military ability, had risen to the rank of brigadier general of the Ohio militia, was made Commander-in-chief of the Patriot Army; a commissary-general, adjutant general, two brigadier generals, and a long list of officers of lower rank were named.³ Gilman Appleby, "master of the *Caroline*," was made commodore of the Patriot navy in the West; and "Bill" Johnston, who had led the assault on the *Sir Robert Peel*, was made commodore of the navy in the East. Nine steamboats and 25,000 men ready to bear arms were estimated as available for the Patriot service.⁴

A banking scheme of extensive proportions was devised as a means of financing the Canadian Republic with its extensive army and fleet. The "Republican Bank of Canada" was to be established and a "Joint-Stock Banking Company"; the capital stock of the bank was to be \$7,500,000, divided into 150,000 shares of \$50 each; later if necessary the stock was to be increased so that every one in the country might "become the lucky possessor of a share." The prospectus issued by the company stated that "gold and silver should be the only money of a country," unless absolutely necessary to issue paper currency in which case it should be done by a "Republican Bank controlled by the people." The vignette of the bills was to be the head of the

1. Sir Arthur to Gen. Brady, Oct. 26; Lindsey, II, 199.

2. Lindsey, II, 200-203; Sir Arthur to Gen. Brady, Oct. 26, 1838; Sir Arthur to Gen. Macomb, Oct. 22, 1838.

3. *Ibid.*; Lindsey, II, 200-203; McLeod, "Settlement of Upper Canada and the Commotion of 1837 and '38," 254.

4. Arthur to Macomb, Oct. 22, 1838.

leading martyrs for the cause in Canada: The head of Matthews at the left end, that of Lout in the center, and that of Morreau at the right end of the bill. Above the central figure were the words, "The Murdered"; while beneath was the motto, "Death or Victory"; and on the margin were to be the words, "Liberty, Equality, Fraternity." A Mr. J. Grant, Jr., was chosen president of the concern, though a man by the name of Smith appears, within a short time after the election, to have acted in that capacity. Messrs. B. Bagley and S. Moulson acted as vice-presidents of the bank. The whole scheme was based upon the confiscation of Canadian property which was to take place so soon as the Canadian Republic should be established in Upper Canada; and although the members of the convention pledged themselves to raise \$10,000 in a fortnight there seems, by the 1st of November, to have been but \$300 raised.¹

Soon after the convention in Cleveland the Hunters began to prepare for the invasion of Canada. Rumors of such an expedition appeared; but it was uncertain, in the meantime, where the blow would be struck: "Kingston, Toronto, and several intermediate harbors, Hamilton, the Niagara frontier, different places on Lake Erie, and the eastern frontier of the province, were all spoken of as the intended points of attack." No doubt many of the reports were set afloat by the leaders in order to distract attention from the real designs of the organization.² In the first week of November the insurrection known as the Rebellion of 1838 broke out in Lower Canada. There is little doubt but that the Hunters were acting in coöperation with the leaders of that uprising, if not the originators of the movement.³ This rebellion has already been outlined in Chapter II, and needs no further notice here than the mention of its relation to the military operations of the Hunters.

During the first days of November, the Hunters south and east of Oswego began to move and concentrate. Os-

1. Lindsey, II, 202-203; Arthur to Brady, Oct. 26, 1838.

2. Sir Arthur to Lord Glenelg, Feb. 5, 1839, Parl. Rep., Canada.

3. *Ibid.*

wego, Salina, Liverpool, Syracuse, Auburn, Great Bend, Pamela, Dexter, Evan's Mills, Watertown, Brownville, Leraysville, Sackett's Harbor, Cape Vincent, Chaumont, Williams Bay, Alexandria, Orleans, Flat Rock, Ogdensburg, Rossie Village, and other places where Hunter lodges were established furnished their respective contingencies who, between the first and tenth of November, "embarking at different ports and bays, concentrated together, and landed in hostile array about a mile and a half below Prescott."¹

Arms in considerable quantities had been previously collected, packed in boxes, and shipped on board the steamer United States, from some of the ports along the St. Lawrence where the boat was wont to stop. Two schooners which had been secured for the expedition lay at Millen's Bay near French Creek, for several days. On these were placed several pieces of artillery, with balls and barrels of powder; and many of the Patriots who came from the vicinity embarked. Sunday night the 11th of November, the steamer United States took in tow the schooners; one of which was under the command of Von Schoultz, a brave Pole; and the other in charge of Commodore "Bill" Johnston. During the passage down the river a council of war was held by the leaders without arriving at any definite plan of action. A few miles above Prescott, the schooners were cast loose, while the steamer proceeded to Ogdensburg. Their original plan seems to have been to land at Prescott in the night, and seize Fort Wellington by surprise. In this, however, they failed; for the sentry spied the schooners and gave the alarm; while the larger of the boats, in attempting to pass below the city, was grounded on a bar. The smaller of the schooners passed on and landed at Windmill Point, a mile and a half below Prescott. Von Schoultz immediately took possession of a strong stone mill, some stone houses near by, and erected breastworks and prepared for battle.

Out of the 1,000 or more who were to have crossed over only 200 joined the party. J. Ward Birge, who posed as major general of the Patriot army of the East, and who was

1. *Ibid.*

to have commanded the expedition, "fell sick with a suddenness that created a suspicion of cowardice"; while Johnston and other prominent leaders remained out of harm's way at Ogdensburg.

On the morning of the 13th, the militia at Prescott, having been reënforced by some marines and a few regulars, made an attack upon Von Schoultz; but could make no impression upon the stone mill. After sustaining considerable loss they withdrew until heavier artillery might be received.¹ The men in the mill also began to realize the danger of their situation; reinforcements from Ogdensburg had failed; the inhabitants in whose behalf the invasion was being made did not join them. Word was sent for boats to take them away; but the British steamer, *Experiment*, cruised up and down the river making relief difficult. And Colonel Worth of the United States army, on hearing of the proposed exploit, hastened to Ogdensburg, and took charge of all the boats there.

It appears, however, that Colonel Worth wished the Patriots to be saved from the sure destruction that awaited them; and for that purpose permitted the steamer *Paul Fry*, then in the custody of the marshal, to be used. The boat left for the mill; but after a time returned without Von Schoultz and his Patriot band. Whether the attempt failed because of British interference, or because of the refusal of the brave Polish leader to retreat, or whether it was due to a sudden fright which may have seized the master of the boat and caused him to turn about before his mission of mercy was completed, remains an unsolved mystery.² At any rate the Patriots were not withdrawn from the Point; and on the 16th, the British, reinforced and supplied with heavy guns, renewed their attack on the mill. A fierce fight ensued which resulted in the surrender of the Patriots. The British loss was twenty killed and sixty wounded; the

1. Lindsey, II, 205-211; Sir Arthur to Lord Glenelg, Feb. 5, 1839; Niles, LV, 200; Donald McLeod, "Settlement of Upper Canada and the Commotion of 1837 and '38," chap. xxv.

2. Lindsey, II, 209; Mich. Pioneer Coll., XXI, 606; Niles, LV, 200; Col. Worth to Col. Young, Nov. 15, 1838, Ex. Doc. 25 Cong. 3 Sess., No. 181, p. 20.

Patriots, fifteen killed, thirty wounded, and 157 taken prisoners.¹

The severe lesson given the Patriots at Prescott brought to a close the military expeditions of the Hunters in the East; but they were to make another attempt at invasion of Canada before they could learn the futility of such attempts with the resources at their command. The last exploit of importance was made at Windsor on the 4th of December, 1838. Men were collected at various places along the frontier. A regiment from Ohio and Pennsylvania under Brigadier General S. S. Coffinberry was ordered by General Handy to Detroit. To these were joined one hundred Hunters from Monroe county, Michigan, sixty from Buffalo, seventeen from Rochester, and many from the vicinity of Detroit. The central rendezvous of the eastern bands was at Swan river, near the mouth of Detroit river; while the western contingencies encamped at Bloody Run north of Detroit.²

After remaining at Swan river forty-eight hours, the party, numbering 362, marched to the junction four miles below Detroit, where being equipped for a winter campaign by means of the money and provisions secured through Commissary Bronson of Buffalo and the funds of the banking scheme, they awaited the steamer that was to take them over to Canada. But for some reason the steamer did not appear; whereupon they marched at night up to Detroit. Here they found a steamer ready to transport them; but Major General Bierce, who was to command the expedition, was not ready. They withdrew to the woods; and returned next night ready to cross; but General Bierce sent word that the steamer was not ready, though the men knew that the steamer had been waiting for twenty hours or more. There was a similar delay at Bloody Run: the company was made up for the most part of young bloods who were eager to cross at once; but Bierce kept putting them off, claiming

1. Sir Arthur to Lord Glenelg, Feb. 5, 1839; Lindsey, II, 210, 211; Sir Arthur to Marquis of Normapby, Oct. 14, 1839; Report of Tucker, Provincial Sec., Toronto, Oct. 13, 1839.

2. Lindsey, II, 225-227; Mich. Pioneer Coll., XXI, 552-556.

that he was waiting recruits from the South; and in the meantime contented himself by issuing a proclamation announcing to the Canadians that the invasion was in the interest of free institutions and not for plunder.¹ The delay caused by this inactivity on the part of the commanding general was ruinous to the expedition: two whole companies of the Patriots left; and a knowledge of the intended invasion reached the province in time to bring forward troops for the defense of Windsor, Sandwich, and Fort Malden.²

Finally, an under officer volunteered to lead the Patriots against the enemy at once. This aroused Bierce to action: the following evening the Patriots marched down the streets of Detroit in full view of the sentinels at the arsenal without the least molestation; took possession of the steamer Champlain; and early in the morning of December 4th, landed at Windsor. The barracks were attacked and burned; and a steamer, the Thames, lying at the dock was seized, the cry of "Remember the Caroline" raised, and the boat set on fire.³

Some 5,000 persons had gathered on the Detroit shore, and, as the smoke and flame from the burning barracks and steamer arose, three hearty cheers were wafted across the river for the encouragement of the Patriots. Their victory, however, was short-lived, for the British troops coming up from Amherstburg soon checked these depredations; and General Bierce, who had kept well in the rear, ordered a retreat. But the steamer Champlain was gone; and the Erie, which had a detachment of United States troops on board, was signalled in vain. The invaders were reduced to the necessity of picking up canoes, or whatever they could seize, with which to escape. In this last raid of the Hunters, twenty-five of the Patriots were killed, and forty-six were taken prisoners. Four of the twenty-five killed met their death by the wrath of Colonel Prince of the provincial militia, who on taking them prisoners ordered them shot on the spot; and the remainder of the prisoners would, no

1. Hopkins, "Encyclopaedia of Canada," III, 72.

2. Lindsey, II, 225-231; Mich. Pioneer Coll., XXI, 552-571.

3. *Ibid.*

doubt, have met the same fate had he not been checked in his inhuman rashness.¹

VIII. FEDERAL INTERFERENCE.

All the armed movements of the Patriots from the attack at St. Charles and the battle of Yonge Street to the Hunter raids at Prescott and Windsor were attended with a certain fatality: there was always some great want; some fatal blunder; some gross neglect of duty; some act of indiscretion; some ruinous delay; some deed of treachery or cowardice to mar the plans and render abortive all the military operations of these civilian soldiers. During the first uprisings there was a woeful lack of arms; but a few hundred where there should have been several thousand with some pieces of cannon. There was need of promptness and a well-regulated plan on the part of the insurgents; where there should have been a common plan of coöperation between the Patriots of Upper and Lower Canada there existed merely a common sympathy. Leadership was, also, lacking: no great leader appeared who could command the respect of all classes, and join to his standards all those who desired a change of government. There was no Washington to wring victory out of defeat; no Franklin to win succor and military coöperation from a sympathizing foreign power; there was not even a Sam Houston among the numerous aspirants to such notoriety who could, with the aid of American sympathizers, wrest a province from the hands of an oppressive ruler.

Sam Houston, however, was the friend if not the agent of an Andrew Jackson.² All the assistance that a most powerful administration could give, attended the hero of San Jacinto: New Orleans became a rendezvous where men and supplies were openly enlisted for Houston's army; and when the Government at Washington was reproached for

1. *Ibid.*; Sir Arthur to Lord Glenelg, Feb. 5, 1839, Parlt. Reports, Canada.

2. H. H. Bancroft's "History," XVI, chap. xii.

this open violation of the neutrality, it disclaimed responsibility on the ground that the affair at New Orleans was a matter of individual conduct over which it had no control. Again, when once victory had been won by the revolutionists, an American force was placed on the Mexican frontier for the ostensible purpose of "preventing Texas Indians from invading the soil of the United States," but in reality to assist Houston in maintaining his position; and when the Mexican minister at Washington demanded his passports for this affront to his government, Jackson recalled the troops, and employed more convenient means in the way of trumped-up spoliation claims whereby peremptory demands were made upon Mexico and the basis laid for concessions of some kind in the near future.¹

Could the Patriots who labored for the independence of the Canadas in 1837 and 1838 have had the friendly assistance of the Jackson Administration, the story of Texas might have been reiterated in the provinces to the northward. But the brief interim of a year that marks the distance between the battle of San Jacinto and the uprising at Yonge Street saw a marked change at Washington: the Jackson Administration gave place to that of Martin Van Buren. The former had shown itself friendly to the revolutionary movement; the latter was to show itself hostile. Jackson had connived at the Texas revolution, and when an opportunity presented itself he made all possible haste to acknowledge her independence; while Van Buren, when Texas was offered to the United States, refused her proposal of annexation.²

A president who was thus to refuse the gift of territory that had been so eagerly sought by his predecessor and the founder of the policy of his own party would not be likely to tolerate acts of violence that might involve the Government in war with the mightiest of nations. On the 7th of December, 1837, within two weeks after the rebellion in Lower Canada arose, the Secretary of State addressed com-

1. *Ibid.*

2. Schouler, "History of the United States," IV, 256, 303; *Am. Hist. Rev.*, X, 75, 90.

munications to the United States attorneys for the Northern Districts of Vermont, New York and Michigan, in which he said:

"In the course of the contest which has commenced in a portion of the territory of Great Britain, between portions of the population and the Government, some of our citizens may, from their connection with the settlers, and from their love of enterprise and desire of change, be induced to forget their duty to their own Government, and its obligations to foreign Powers. It is the fixed determination of the President faithfully to discharge, so far as his power extends, all the obligations of this Government, and that obligation especially which requires that we shall abstain, under every temptation, from intermeddling with the domestic disputes of other nations."¹

It was enjoined upon the attorneys to be attentive to all movements of a hostile character within their respective districts; and "to prosecute, without discrimination, all violators of those laws of the United States" which had been enacted to preserve peace with foreign powers or for the fulfilment of all our treaty obligations with such powers. On the same day the Secretary of State addressed letters to the governors of Vermont, New York and Michigan, in which he called their attention to the contest that was taking place in the provinces and the possibility of attempts being made "to violate the laws of the United States passed to preserve the relations of amity with foreign Powers and to fulfil the obligations of our treaties with them." "By the directions of the President," writes Secretary Forsyth, to each governor, "I have the honor to request the attention of your excellency to any movements of that character that may be contemplated—and your prompt interference to arrest the parties concerned."²

Thus we see that at the very beginning of hostilities in the provinces the Administration at Washington, in anticipation of difficulties on the border, took a firm position regarding the matter of neutrality. The President was determined to maintain inviolate our treaty obligations; and to main-

1. Forsyth to Kellogg, and others, Dec. 7, 1837, Ex. Doc. 25 Cong. 2 Sess., No. 74, p. 29.

2. Forsyth to Marcy, Dec. 7, 1837, *ibid.*

tain that policy of strict non-interference which has ever characterized the attitude of the United States towards foreign nations. Nor were the instructions of the President issued through the Secretary of State a matter of mere form: the President was in earnest, as may be seen by the correspondence that immediately sprang up between the Administration at Washington and the government officials and the state officials and private individuals along the Canadian border.¹

The crossing of the border by the Canadian refugees into Vermont and the Mackenzie meetings at Buffalo were communicated in all haste to the various State and Federal authorities; while the authorities, especially the Federal officials, immediately set themselves to the task of subduing the popular frenzy for the Patriot cause; and for the enforcement of the national laws. On the 15th of December, Mr. Parker, collector of duties at Buffalo, after detailing the conditions in the city, says in a letter to United States Attorney Benton: "I have ordered a portion of your letter published, in order to deter any further violations of the law; also to satisfy the inhabitants of Canada that such acts are not countenanced by our Government."² On December 18th, we learn that the United States marshal has been ordered to Buffalo to make "arrests of all offenders against the laws of the United States"; and Governor Marcy notified that the state militia may be needed to assist the marshal in his work.³ Two days previous, Attorney Benton had had extracts of the United States law for the apprehension of offenders, together with the legal forms for arrest, recognizance, and *mittimus* published for the benefit of all officers of the law; while on the following day, a circular was issued from the Treasury Department to the collectors of customs of the United States in the districts bordering on the Canadian frontiers ordering them to coöperate with the attorneys in prosecuting "all citizens and other inhabitants" who might

1. See correspondence, Ex. Doc. 25 Cong. 2 Sess., No. 74.

2. *Ibid.*, 35.

3. United States Attorney Benton to Gov. Marcy, Dec. 18, 1837; *ibid.*, 34.

in any manner be concerned in the violation of those laws or treaty obligations which would prevent "a strict neutrality on the part of the Government and the people of this country."¹

On receiving information of an invasion of Canada by a small body of refugees on the Vermont border, Secretary of State Forsyth wrote Attorney Kellogg stating that the President directed him to make "an immediate inquiry into the facts" and to "commence legal proceedings against all such persons as appear to have been concerned in violating the laws for the preservation of the neutral relations of the United States." In closing Forsyth said: "You are also directed to exercise constant vigilance during the pending contest, and to take all proper steps to prevent the recurrence of acts similar to those into which you are now called upon to examine."² Similar instructions were forwarded to Attorney Benton at Buffalo regarding the apprehension of Mackenzie and those associated with him.³

In the former instance United States Attorney Kellogg, having learned through the papers of the disturbance on the border, proceeded at once to the scene of action before receiving instructions from the Secretary of State. On his arrival he learned that the refugees, having met with defeat after their invasion, recrossed the state line, where, their arms having been taken from them by the local authorities, they had all dispersed.⁴ Likewise in the latter case, Attorney Benton found Mackenzie and his compatriots at Navy Island beyond the jurisdiction of the United States authority.⁵ In all this correspondence we see the determination of President Van Buren to enforce the law and preserve peace; but such was the nature of the border raid—the fewness of the participators, the secrecy of the organization, the rapidity of dispersion on the approach of the enemy; and, in too many instances, the friendly protection of the community—

1. *Ibid.*, 42.

2. Dec. 20, *ibid.*, 39.

3. Dec. 21, *ibid.*, 41.

4. Kellogg to Forsyth, Dec. 20, *ibid.*, 38.

5. Benton to Forsyth, Dec. 26, *ibid.*, 43.

that it was exceedingly difficult for the Federal Government either to find the offenders, or to secure their arrest and conviction when located.

During these early days of the border disturbance it was hoped that the sympathetic assistance rendered the refugees might be held within the limits of the law by the Federal and State officials without recourse to armed force;¹ but with the seizure and fortification of Navy Island the popular sympathy was so aroused as to thwart the purposes of the officials and render enforcement of the laws difficult. Under these circumstances we find United States Attorney Benton suggesting to the President "the propriety of ordering an armed force to Fort Niagara";² while United States Marshal Garrow, after reciting the events connected with the reënforcement of the Patriot army at Navy Island, says: "From all that I can see and learn, I am satisfied that, if the Government deem it their duty to prevent supplies being furnished from this side to the army on the island, and also the augmentation of their forces from among the citizens of the States, an armed force, stationed along upon the line of the Niagara will be absolutely necessary to its accomplishment."³ He, also, informed the President that persons were engaged in dislodging "one or more steamboats from the ice," as was supposed with a view to aiding the Patriot expedition.

On receipt of these letters the President sent a message to Congress stating that the recent experiences in the South and the events occurring on the Northern frontier "abundantly show that the existing laws are insufficient to guard against hostile invasion, from the United States, of the territory of friendly and neighboring nations"; that while the laws provided "sufficient penalties for the punishment of such offences," after they had been committed, provided the parties could be found, the Executive was powerless in many cases to prevent their commission even while in possession of ample evidence of such intention. Congress was

1. Forsyth to Gov. Jenison, Dec. 27, *ibid.*, 50.

2. Benton to Forsyth, Dec. 20, *ibid.*, 44.

3. Garrow to Van Buren, Dec. 28, *ibid.*, No. 64, 2.

urged to revise the law, and to enact such additional ones as "to vest in the Executive full power to prevent injuries being inflicted upon neighboring nations" either by citizens of the United States, or by other persons within her jurisdiction and subject to her control.¹

At the same time the revenue cutter *Erie* was ordered to Buffalo for the use of the collector of that port "in maintaining the laws, and enforcing the obligations thereby imposed on citizens of the United States."² "It is represented," wrote the Secretary to Collector Barker, "that armed vessels and boats are engaged within the limits of your district, in carrying arms, ammunition, and military supplies to the Canadian side of the line, for the use of forces arrayed against the British Government. You will take measures to seize any vessel or carriage of any kind which may be engaged in such transactions."³ Thus we see each new violation of law on the part of the Patriots met by renewed efforts on the part of the Administration to maintain the peace, and to search out the perpetrators and bring them to justice.

In the meantime an event occurred which dispelled all hope of maintaining peace without the use of an armed force. On the night of the 29th of December, the *Caroline* was destroyed, and the popular indignation was so aroused all along the border from Maine to Michigan that the Administration was taxed to its full extent to preserve the peace. Information of this disaster reached the White House on the evening of the 4th of January.⁴ In spite of the difficulties which this untoward incident produced the President was determined to exercise his utmost authority for the preservation of the peace. Brevet Major General Winfield Scott was ordered to the northern frontier with instructions to assume command of the State militia for the protection of the frontier, being cautious to select the troops "from a portion of the State distant from the theatre of

1. President's Message, Jan. 5, 1838, *ibid.*, 1.

2. Sec. of Treasury Woodbury to Commander Daniel Dobbins, Jan. 4, *ibid.*, No. 74, 52.

3. Woodbury to Barker, Jan. 4, *ibid.*, 53; Woodbury to Scoville, Jan. 5, *ibid.*, 54; Forsyth to Benton, Jan. 5, *ibid.*, 53.

4. Autobiography of Lieut. Gen. Scott, I, 306.

action." "The Executive," says the Secretary of War, "possesses no legal authority to employ the military force to restrain persons within our jurisdiction, and who ought to be under our control, from violating the laws, by making incursions into territory of neighboring and friendly nations, with hostile intent." "I can give you, therefore," he further says, "no instructions on that subject; but request that you will use your influence to prevent such excesses, and to preserve the character of this Government for good faith and a proper regard for the rights of friendly Powers."¹

On the 8th of January President Van Buren sent a special message to Congress concerning the Caroline affair in which he said: "In the highly excited state of feeling on the Northern frontier, occasioned by the disturbances in Canada, it was to be apprehended that causes of complaint might arise on the line dividing the United States from her Britannic Majesty's dominions. Every precaution was, therefore, taken on our part, authorized by the existing laws." After noting the aggravating character of the attack on the Caroline he closed the message by asking for such appropriations as the circumstances in which our country was "thus unexpectedly placed" required.²

Congress took under consideration both this message asking for an appropriation and the previous one asking for enlarged powers. On the 30th of January a law was passed appropriating "the sum of \$625,000" for the purpose of defraying "any expenses which have been or may be incurred in protecting the northern frontier of the United States";³ and on the 10th of March a law was passed for the "Punishments of Military Expeditions against the conterminous Territory of Foreign Governments at peace with the United States." Under the old statute of April 20, 1818, the Executive's power was limited to the apprehension and punishment by fine and imprisonment of any person setting on foot

1. Poinsett to Gen. Scott, Jan. 5, 1838, Ex. Doc. 25 Cong. 2 Sess., No. 73, p. 4.

2. President's Message, Jan. 8, *ibid.*, 73.

3. U. S. Statutes at Large, Jan. 30, 1838.

within the jurisdiction of the United States, any military expedition against a friendly power.¹ While by this act the President could prosecute the leaders, he had no means for preventing enlistment, nor could he check the movements of armed forces of men along or across the border. By the new act the various officers, "collectors, naval officers, surveyors, inspectors of customs, the marshals and the deputy marshals of the United States, and every other officer" whom the President might specially empower, were "authorized and required to seize any vessel or vehicle, and all arms or munitions of war about to pass the frontier of the United States" for the purpose of carrying on a military expedition against any conterminous foreign power at peace with the United States.² This law, while some improvement upon the previous one, was not very stringent: the leaders alone were subject to arrest and punishment; the arms and munitions of war could be seized only upon the actual attempt of invasion, or of embarkation with hostile intent. Such being the nature of the law, it is evident that the President did all within his authority to maintain neutrality and prevent hostilities.

On receipt of his instructions Major General Scott departed at once for the frontier; and that he might have the immediate coöperation of the State authorities he passed by way of Albany and prevailed on Governor Marcy and State Attorney-General McDonald to accompany him to Buffalo.³ The regular troops for the most part were in Florida and on the western frontiers. General Scott, however, had on his way north ordered several recruits to follow him, which force was to be augmented by the use of the State militia if needed.⁴ General Scott was ably seconded in his work on the border by Brigadier General Hugh Brady, on Lake Erie and the Detroit frontier; Colonel W. J. Worth, on the Niagara, Lake Ontario, and St. Lawrence frontier; and

1. U. S. Statutes at Large, Apr. 20, 1818.

2. U. S. Statutes at Large, March 10, 1838.

3. Scott's Autobiography, I, 308.

4. *Ibid.*; Scott to Col. Hughes, Jan. 15, Ex. Doc. 25 Cong. 3 Sess., No. 181, p. 6.

Brigadier Generals Wool and Eustis on the New York and Vermont borders. These officers were in constant communication with one another, and with the officials across the line; much information regarding the designs and movements of the Patriots was thus obtained and communicated to the proper authorities in time to thwart their plans.

We have already seen how Van Rensselaer was outbid by General Scott in the purchase of steamboats, thereby rendering it impossible for the Patriots to cross over to Canada from Navy Island.¹ When the Patriots were seeking to secure the steamboat Barcelona in which to remove their arms and munitions from the island to some other rendezvous, General Scott secured her services, much to the discomfiture of the Patriots, and to the surprise of the British who were lying in wait to destroy her as she proceeded down the river from Buffalo.² The steamer New England, "understood to be engaged to take off portions of the hostile expedition," was also detained by the General, thereby leaving no boat east of Cleveland for the use of the Patriots.³ These steamboats with detachments of United States troops on board were used along the foot of Lake Erie to prevent any hostile embarkation on the part of the Patriots; while the steamer Robert Fulton was sent to Cleveland and then to Detroit for a similar purpose.⁴

Likewise at Detroit Brigadier General Brady proved himself an efficient agent in thwarting the hostile attempts of the Patriots. During the first movements there General Brady took from the Patriots the steamers Macomb and Brady;⁵ recaptured the arms which the militia had allowed Sutherland to seize; replaced the militia with regulars;⁶ thereby checking the Patriot attempt to seize Fort Malden; and together with the assistance of the United States marshal compelled the Patriot force under General Handy to

1. Chap. iv.

2. Scott's Autobiography, I, 314; Scott to Col. Hughes, Jan. 20, 1838.

3. *Ibid.*

4. *Ibid.*; Niles, LIII, 353.

5. Lindsey, II, 169.

6. *Ibid.*, 179.

disband.¹ Time after time the Patriots had their arms seized, their means of transportation taken from them, all of which materially interfered with their embarkation or their chief means of retreat after some disastrous invasion.²

While the Patriots became more closely organized and their movements more stealthy, and while the State authorities to a degree lost interest in the matter, the President maintained his full determination to continue the policy of non-interference. When he learned of the destruction of the *Sir Robert Peel*, he issued a special message to Congress in which he said :

"The excited state of public feeling on the borders of Canada, on both sides of the line, has occasioned the most painful anxiety to this Government. Every effort has been and will be made to prevent the success of the designs apparently formed,—to involve the nation in a war with a neighboring friendly Power. With a fixed determination to use all the means in my power to put a speedy and satisfactory termination to these border troubles, I have the most confident assurances of the cordial coöperation of the British authorities, at home and in the North American possessions, in the accomplishment of a purpose so sincerely and earnestly desired by the Governments and people both of the United States and Great Britain."³

In his message at the opening of the third session of the twenty-fifth Congress, President Van Buren dwells at length upon the abhorrence with which the Government has ever looked upon the depredations by our citizens upon nations at peace with the United States. At the same time he issued a proclamation stating that, whereas citizens of the United States had combined with Canadians and others for the purpose of renewing the disturbances in the provinces, he thought it necessary and proper to call upon "every citizen of the United States neither to give countenance nor encouragement of any kind to those who have thus forfeited their claims to the protection of their country"; and to warn all those who had engaged in those criminal enterprises, that if persisted in, no matter what might become their condition,

1. *Ibid.*

2. *Ibid.*; Donald McLeod, "Settlement of Upper Canada and the Commotion of 1837 and '38," Chaps. xxii-xxiv.

3. President's Message, June 20, 1838.

"they must not expect the interference of this Government in any form on their behalf." They would be left, reproached by every virtuous citizen, to be dealt with according to the policy and justice of that Government whose dominions they had, "in defiance of the known wishes and efforts of their own Government, and without the shadow of justification or excuse, nefariously invaded."¹

The firm determination of President Van Buren was, likewise, manifest in the conduct of the United States army officers during the trying year of 1838. They used every vigilance within their power to thwart the machinations of the Hunter organizations. A worthy tribute to the earnest endeavors of Colonel Worth is recorded in a petition of the citizens of Oswego, New York, beseeching the Colonel to use his respected influence to secure, if possible, clemency from the Canadian officials for the prisoners taken at the battle of Prescott. "Your character as a military man," said the petitioners, "is well known to the colonial authorities. The zeal and firmness you have displayed from the commencement of the troubles, in endeavoring to preserve our neutral obligations inviolate, to protect our national honor, and to enforce the laws of the union, are known as well to the inhabitants of Upper Canada as to your own fellow-citizens; and we believe your services and character are by them not less justly appreciated than by ourselves."²

Brigadier General Brady was equally active on the Detroit frontier; and although the Patriots eluded his vigilance sufficiently to cross over to Windsor they could accomplish little. "It may seem strange," says Major General Scott in commenting on the attack on Windsor, "that this new outrage should have been committed near the United States, both civil and military, without the previous knowledge of either. I am, however, perfectly satisfied that the United States have not two more vigilant and determined commanders than Brigadier General Brady and Major Payne. As soon as the alarm was given, they, their officers

1. President's Proclamation, Nov. 21, 1838, Ex. Doc. 25 Cong. 3 Sess., No. 2, p. 34.

2. Niles, LV, 236.

and men, flew to the spot, and exerted themselves to the utmost. The collector also did his duty, and the district attorney has been active in causing the principal offenders, who escaped to our shore, to be arrested."¹

During these winter campaigns against the trespassers of the borders, General Scott posted himself nowhere in particular, but passed along the entire frontier. His journeyings were made by land, and often at night, the daytime being used in organizing, by means of correspondence, the forces under his command, and in conveying information to the various officials regarding the contemplated movements of the Patriots. During his movements along the frontier for a distance of 800 miles, he addressed immense gatherings, principally of sympathizers ready to embark on some hostile expedition. He appealed to their patriotism; and to the necessity of strict obedience to the laws of the land; and showed them that a war to be successful must be differently commanded and differently conducted. To the query everywhere heard: "But what say you of the burning of the Caroline, and the murder of citizens at our own shore?" he frankly admitted that the act constituted a national outrage that called for satisfaction; that the President would make the proper demand; and, failing to obtain reparation, would lay the matter before Congress—"the representative of the public will, and next to the people, the tribunal before which the ultimate appeal must be made." After making a strong appeal to them to desist from their course of action, he often concluded as follows: "Fellow-citizens, I stand before you without troops and without arms, save the blade by my side. I am, therefore, within your power. Some of you know me in other scenes, and all of you know that I am ready to do what my country and duty demands. I tell you, then, except it be over my body you shall *not* pass this line—you shall *not* embark."²

These addresses were generally successful: masses of the Patriots desisted from further violations of the law; and the friends of order were encouraged to take a firmer posi-

1. Gen. Scott to War Department, Dec. 16, 1838, Niles, LV, 281.

2. Scott's Autobiography, I, 313.

tion in their support of authority. Nor were the civil authorities of the Federal Government less active in the arrest and conviction of the leaders when possible, as a study of the prisoners will reveal.¹ It was this firm determination of President Van Buren to enforce the laws and maintain a strict policy of non-interference that kept us out of war with Great Britain; prevented the Patriots from a successful campaign in Canada; and lost to the United States one of the most opportune moments for securing the overthrow of British rule in America.²

IX. CONFLICT OF AUTHORITY.

During the period of the border difficulties we have been describing, the Canadians doubted much the sincerity of the United States Government in its attempts to suppress the Patriot invasions of Canada; and some of their writers on the Rebellion of 1837 and 1838 have severely criticized the failure of our Government to prevent all encroachments upon the territories of her Majesty's provinces in the Canadas. This distrust on the part of the Canadians was due to various causes. The remembrance of the attitude of the new Republic toward the loyalists of the Revolutionary times was one cause. The suspicions aroused by the marvelous industrial, commercial, and territorial development of the democracy to the southward which threatened to revolutionize the political institutions of the provinces,³ was another. While a third cause was due to the knowledge that the Americans might, amidst the disturbed conditions of the colonies, attempt to make good their claims, more or less generally advanced during the period of their existence as a nation, that the Canadas should some day become annexed to the United States.⁴ Another ground for distrust is found in the inability of an imperial, and, in large measure, a military people, to comprehend the nature of a government

1. Donald McLeod, "Settlement of Upper Canada."

2. *Ibid.*, 225; "Reminiscences of Chas. Durand," 455, 522.

3. Niles, LVI, 196, 200.

4. Lindsey, II, 248-251.

whose laws were made for the protection of the individual citizen in the freest and fullest exercise of his personal liberties, rather than for the supremacy of the executive—a conception of government which while giving the freest play for the development of self-initiative, the truest and noblest basis for national progress, may at times of great popular excitement lead to license and wrong doing beyond the possibility of immediate legal adjustment. Nor is the duality that exists in the Government of the United States more readily comprehended by people of a unitary government—a duality which because of the conflict of authority between the local and State officials, and between the State and Federal powers, furnished the British and Canadian officials more than one occasion for legitimate doubt regarding the proper enforcement of the neutrality on the part of the United States.

We have seen that letters were addressed to the governors of Vermont, New York and Michigan, as early as Dec. 7, 1837, calling their attention to the disturbed conditions in the Canadas; and requesting their assistance in case any attempts should be made by the citizens of the United States to violate the neutrality. Governor S. H. Jenison of Vermont heartily responded to the call; and issued, on the 13th of December, a proclamation cautioning the citizens of the State against letting their enthusiasm in the cause of liberty lead them to acts inconsistent with the treaty relations between the United States and Great Britain; and warning them of the peril of violating the laws of neutrality established by Congress.¹ Having been waited on a day or two later by committees from Swanton and St. Albans requesting arms and munitions of war for the citizens on the frontier suitable for self-defence, the Governor wrote the Secretary of State enclosing papers showing the condition of things on the border, and asking the General Government to judge "of the propriety and expediency of placing a detachment of troops in that neighborhood, to allay the fears of the inhabitants."² Again, in January, when Brigadier General

1. Thompson, "History of Vermont," II, 103.

2. Gov. Jenison to Forsyth, Dec. 16, 1837, Ex. Doc. 25 Cong. 2 Sess., No. 74, p. 31.

Wool called on Governor Jenison with instructions from General Scott to call out the State militia if needed, the Governor accompanied General Wool to the frontier for the purpose of ascertaining the situation there; but finding everything quiet he returned home after assuring the General that, "should a military force become necessary, it would be called out and placed under his command."¹

For several weeks no further disturbance took place on the Vermont border; but late in February Governor Jenison received word from General Wool stating that the Patriots were on the move. "No time is to be lost," wrote the General, "everything is to be done in a few days. I have not the least doubt I shall defeat their plans; still I think nothing should be left undone to defeat their diabolical purpose, which is nothing short of a war between this country and Great Britain." Governor Jenison immediately repaired to Swanton, whence expresses were started and sleighs engaged to bring in the militia to assist in the suppression of the Patriot movement. The affair was soon terminated by the return of the refugees from Canada; and the surrender of the leaders of the expedition to the civil authorities; and the giving up of their arms to General Wool.²

These efforts on the part of Governor Jenison, while appreciated by the General Government and by the well-disposed citizens of the State, met with a marked opposition on the part of a large number of persons who strongly sympathized with the Canadian refugees. His proclamation "incurred the censure of many of the good people" of the State; and the public press of the State treated it "with almost universal censure and condemnation";³ while some 400 voters of northern Vermont even went so far as to petition Congress, protesting against the passage of any law that would deprive them of "the privilege of selling, transporting, or giving to the Canadians, arms, ammunition, or provisions, either in this country or in Canada."⁴ In his

1. Gov. Jenison to John Smith, Apr. 2, 1840, Reports of Committees, 2 Sess. 26 Cong., No. 126, p. 4.

2. *Ibid.*, 5.

3. *Ibid.*, 2; Thompson's "Vermont," II, 103.

4. Ex. Doc. 25 Cong. 2 Sess., Nos. 193, 194.

attempt to enforce the law amidst such strong opposition on the part of his fellow citizens, there is little doubt that Governor Jenison spoke the truth when he said: "The difficulties upon our northern frontier have been to me a source of much perplexity and uneasiness, from their commencement in the fall of 1837. So far as my official station gave me influence, it has been exerted to maintain the neutral relations of the country, and to protect the rights of our citizens. I have spent much time in correspondence upon subjects which have grown out of this unhappy state of things; and whenever I have been led to suppose that I could accomplish any good by it, I have on several occasions, at a sacrifice of time and money, promptly visited the frontier."¹

All the difficulties that attended the enforcement of the law in Vermont, and even greater ones, confronted the Governor of New York. Here was the center of the Navy Island campaign; and here took place the destruction of the *Caroline*, and the burning of the *Sir Robert Peel*. In no part of the country was the excitement more intense, or opposition to the authorities more violent. When Mr. J. Trowbridge, the Mayor of Buffalo, made himself conspicuous in his attempts to hold in check the Patriot movements in that city, he was "hooted out of office."² When the militia were called out for the protection of the frontier, there was fear that they would go over in a body to join the Patriots on Navy Island.³ When Mackenzie, on his return from the island to Buffalo, was arrested by a United States marshal, there was much excitement; and a Mr. Burton who was suspected of having informed against him "was greeted with hisses and groans, and handed round to be gazed upon by the crowd as a monstrosity."⁴ When the notorious "Bill" Johnston and J. Ward Birge, the leaders of the Prescott invasion, were apprehended by the United States marshal, there seems to have been no place where they could be confined with safety; and even while under the strict charge of the marshal's

1. Reports of Committees, 2 Sess. 26 Cong., No. 126, p. 5.
2. The Van Rensselaer narrative.
3. Lindsey, II, 153.
4. *Ibid.*, 163; Niles, LIII, 323.

deputies the prisoners, not without the suspicion of assistance, made good their escape.¹ When the Canadian authorities made requisitions on the Governor of New York for the return of certain criminals, the State Secretary replied that it could not be done unless Colonel McNab and Captain Drew be turned over to the State authorities of New York for the murder of American citizens at Fort Schlosser.² And when Alexander McLeod was charged with the murder of Durfee, we find the State of New York acting in direct opposition to the Federal Government;³ and even later, when another British subject was arrested on the same charge, we find President Tyler petitioning Congress in a special message "for the immediate adoption of some suitable legislative provision on this subject."⁴

With such conditions existing; with the mass of the citizens on the border supporting the Patriot cause; with the press ready to denounce all attempts to interfere with the Patriot projects; and with State and Federal officials, and even members of the bench, sworn members of the Hunter lodges, a governor must necessarily risk his political existence if he would, in the face of such public sentiment, faithfully perform his duty in the execution of Federal and State law. Governor Marcy of New York seems to have attempted to steer between the demands of the Federal Government and the popular clamor. While receiving full information regarding the movements of the Patriots at Buffalo, he does not appear to have exerted himself much for the suppression of their movements; he seems to have remained silent concerning the questions involved, or to have forwarded the information received to the various Federal officers, leaving in large measure the maintenance of peace to the National Government.⁵ Some demands were made upon Van Rens-

1. Niles, LV, 237.

2. Sir Arthur to Marquis of Normanby, July 1, 1839.

3. Mrs. C. Coleman, "Life of J. J. Crittenden," 155; Bancroft, "Life of Seward," I, 111-116.

4. President's Message, March 8, 1842.

5. Sir F. B. Head to Gov. Marcy, Dec. 13, 1837, Ex. Doc. 25 Cong. 2 Sess., No. 302, p. 9; Head to Fox, Jan. 8, 1838, *ibid.*, 7; Marcy to Benton, Dec. 17, 1837, *ibid.*, No. 74, 36.

selaer by the State Commissary General, Henry Arcularius, for the arms taken from the State arsenal; but nothing came of it.¹

When the destruction of the *Caroline* occurred some action was necessary. The Governor addressed a message to the Legislature of the State in which he said: "If it should appear that this boat was intended to be used for the purpose of keeping up an intercourse between this State and Navy Island, which is now held by an assemblage of persons in defiance of the Canadian government, this circumstance would furnish no justification for the hostile invasion of our territories and the destruction of the lives of our citizens"; and under the circumstances, he thought it would probably be necessary for the State to keep a military force for the protection of the citizens and the maintenance of peace, until an opportunity be given "to the General Government to interpose with its power."²

When General Scott arrived at Albany on his way to the front, Governor Marcy accompanied him to the Niagara frontier, where he conferred freely on all military questions with the General; and, on receiving information of the evacuation of Navy Island, he so placed the State forces as "to exert whatever legal means and moral influence" he might possess to preserve the neutrality.³ Likewise when General Scott made a requisition on Governor Marcy for two battalions to check the contemplated invasion of Van Rensselaer from French Creek, the Governor "promptly caused orders to be issued to supply the troops from the nearest brigades," if Brigadier General Wool who was in that quarter "deemed their services important."⁴ Also, when the State arsenals at Batavia, Watertown and Elizabethtown had been robbed by the Patriots, the Governor issued a proclamation offering rewards from \$100 to \$500 for the

1. Niles, LIII, 305; Van Rensselaer to Arcularius, Jan. 4, 1838, Ex. Doc. 25 Cong. 2 Sess., No. 302, p. 10.

2. Gov. Marcy's Message, Jan. 2, 1838; Niles, LIII, 339.

3. Niles, LIII, 321; Scott to Hughes, Jan. 15, 1838, Ex. Doc. 25 Cong. 3 Sess., No. 181, p. 7.

4. Niles, LIII, 386.

detention and conviction of the persons who broke open the arsenals and stole the property of the State therefrom.¹

Again, when the destruction of the *Sir Robert Peel* came to his notice, Governor Marcy took the initiative in investigating the affair. He went at once to the northern frontier; spent ten days or more in gathering information regarding the sentiments of the people; the nature of the Thousand Islands; the retreat of "Bill" Johnston's band; the advisability of retaining the State militia more or less permeated with sympathy for the Patriots; which information he forwarded to the General Government with the hope that the officers and troops of the Federal Government would soon come to dislodge the bands from the islands, and ensure peace on the borders.² In all these border exploits we do not find the Governor of New York taking the decided and energetic stand taken by the Governor of Vermont; evidently this turmoil was either not considered of much moment, or else, desiring to shift as much as possible of the reproach of interference upon the National Government, he thought the least said or done by himself the better for the peace and harmony of all factions within the State, and the less likelihood of any adverse political consequences.

When we turn to the State of Michigan, we find a condition even more anomalous. Governor Stephen T. Mason was a man of action; but while at times he appears to have given the Federal officers considerable information and assistance, he as surely, at other times, seems to have given aid and succor to the Patriots. On receiving the circular letter sent out by the Secretary of State on the 8th of December, 1837, Governor Mason made reply that he had no idea that any attempts would be made by the citizens of Michigan to interfere in the controversy pending between the Government of Great Britain and a portion of the peoples of the Canadas. "Should, however, the contingency contemplated by the President arise," wrote the Governor, "he

1. Gov. Marcy's Proclamation, March 1, 1838; Niles, LIV, 19.

2. Gov. Marcy to Sec. of War, June 3, 5 and 10, 1838; Governor's Proclamation, June 4; Poinsett to Van Buren, June 19, Ex. Doc. 25 Cong. 2 Sess., No. 440, pp. 22-27.

has my assurance that I will use every exertion to prevent any violation . . . of the relations of amity with foreign Powers and the Government of the United States."¹

That the Governor was aware of the movement on foot by the Patriots there can be little doubt; for on the 28th of December he issued a proclamation warning the people against any violation of the neutrality laws; again, about the 1st of January, we find him sending word to General Handy "that he should be obliged to disperse the Patriot forces, and that they must move to some other place";² likewise on the 6th of January, when the Patriot forces were proceeding to Gibraltar, preparatory to their attack upon Fort Malden, Governor Mason intimated to General Handy that he would probably go to Gibraltar "from which point he should be obliged to disperse the troops."³ We also learn that two days later the steamer Brady with the Governor and over 200 of the Michigan militia on board went to Gibraltar; but no harm seems to have come to the Patriots. It is even stated by Levi Bishop, who was a private in the militia and had been detailed to furnish each militiaman his military accoutrements, that "not one of the 400 stand of arms and ball cartridge" that had been brought down were on board when the steamer and troops returned to Detroit; but that they had been left behind for the use of the Patriots.⁴ Again, when General Handy was on Sugar Island and threatened to have his communication with the shore cut off by the floating ice in the river, we find him calling on "the friendly Governor of Michigan" for succor; and not in vain, for the Governor came to the rescue, and helped remove the Patriot troops to the mainland.⁵

In his third attempt to raise a Patriot force to attack Fort Malden, General Handy claims that the Governor called out 600 of the militia for the ostensible purpose of

1. Gov. Mason to Forsyth, Dec. 21, 1837, 25 Cong. 2 Sess., No. 74, p. 42.

2. Lindsey, II, 168; *Detroit Daily Advertiser*, Dec. 30, 1837.

3. *Ibid.*, 170.

4. *Ibid.*, 174; Mich. Pioneer Collections, XXI, 522, 523; *Ibid.*, XII, 417; Farmer, "Hist. of Detroit and Mich.," 301; Wing, "Hist. of Monroe County," 210.

5. Lindsey, II, 177.

enforcing the neutrality of the United States; but that on the night on which the militia received their arms they were to stack them in the outer porch of the city hall "for the purpose of having them taken for the use of Handy's men who were to become volunteers and have their services paid for by the State"; that this project was defeated by the rashness of Sutherland who stole the arms, but lost them again the following day; and that as a result of this blunder General Brady refused for the time being to trust the militia with arms.¹

While Governor Mason may have been friendly to General Handy and the Michigan Patriots under his command, he appears to have been "highly exasperated" by the conduct of Sutherland, and to have shown himself less tolerant toward the Patriots under his command.² On the 11th of February, we find him acting in unison with General Brady in forwarding an express to Washington urging the passage of the pending neutrality bill. "I regret," wrote Governor Mason to President Van Buren, "to inform you that . . . this frontier is again thrown into a state of confusion by the appearance of the force recently disbanded from Navy Island. The Patriot forces (so called) are at present scattered in detached parties in different directions, preparatory to a movement against the Canadian frontier on the 22d of the present month. Their arms and munitions of war are in boxes, and conveyed through the country as merchandise. If the existing law would permit the seizure of these boxes . . . the parties could, at once, be disarmed, and permanent tranquility restored."³

The State Legislature of Michigan, also, took up the matter and passed resolutions requesting the Governor to apply to the President for a force of United States troops, with due proportion of artillery, for the protection of the Michigan frontier.⁴ Whether or not some of the members of the House had grown suspicious of the Governor, we find the House passing a resolution on the 24th of January, re-

1. *Ibid.*, 178, 179.

2. *Ibid.*, 179.

3. Niles, LIII, 409.

4. House Journal, 1838, Jan. 11; Senate Journal, Jan. 16.

quiring him, "with as little delay as possible" to report the quantity of ordnance, muskets, other arms and munitions of war on hand; also, the place of deposit, "and their present state of preservation."¹ Likewise, on March 27th, the Legislature passed a law for the reorganization and enlargement of the State militia.²

Although Governor Mason appears to have approved these acts of the Legislature; and, in his message to the succeeding Legislature, he claimed to have regretted the "violation of our neutral relations" by his "misled" citizens; and although he, at times, wrote conveying intelligence concerning the Patriots, and coöperated with General Brady in the suppression of their attempted invasions of Canada, nevertheless, there remains a strong suspicion that he remained on friendly and intimate terms with the Patriot leaders, and gave them to understand that he stood ready to assist them should an opportunity present itself.³ In a letter of General Handy, written probably about the end of May, 1839, Handy says: "The Executive and many worthy officers of the State and United States have been more or less concerned in our exertions to sustain the Canadian standard"; and he predicted that they would assuredly do more in the future.⁴ The Hunters, also, as we have seen, claimed Governor Mason not only as a friend, but as a sworn member of their lodge; and Colonel Airey of Canada, who associated some with General Brady during this period, claims that the latter said that the civil authorities of Michigan all but openly countenanced the Patriots.⁵

X. DARK DAYS.

The years 1839 and 1840 were years of discouragement to the Patriots. Though the war hawks of the Hunters

1. House Journal, 1838, Jan. 24.

2. Laws of Michigan, 1837-8, No. 57.

3. Governor's Message, Jan. 8, 1839; Diary of Wm. H. Bissell, in *Detroit News*, Oct. 16, 1904.

4. Lindsey, II, 179.

5. Col. Airey to Capt. Halkett, May 6, 1839, Parlt. Rep., Canada.

continued to shout for the fray, they failed more and more except on the occasion of some momentary alarm to gain the public ear on either side the border. The National Government still wielded its powerful influence for peace; and the State governments which at first leaned somewhat to the Patriot cause began, as the hopelessness of the Canadian project became more apparent, to coöperate with the Federal authorities in the suppression of the border raids. The utter failure of the Hunters at Prescott and Windsor, and the sentence of death or of lifelong banishment pronounced upon the prisoners taken during these attempts at invasion, acted as a damper on the ardor of the American sympathizers; while the cowardly conduct of the leaders in the presence of the foe disgusted many of the Patriots and caused them to withdraw from the enterprise. Thus the disapprobation of the mass of the people in the United States and the wisdom of the higher officials on both sides the border checked the war fever and postponed the settlement of the most irritating questions to a future time, when, full confidence having been restored between the two peoples, their representatives were ready to make such mutual concessions regarding the questions at issue as to establish a permanent peace.

Though defeated and disheartened the Patriots had no notion of abandoning their purpose to free the provinces from British control. After the defeat at Windsor, Major General Bierce gave place to H. S. Handy as Commander-in-chief of the Patriot army. On the 1st of January, 1839, Handy ordered General Donald McLeod to the West to organize a new force and prepare for another invasion of Canada.¹ General McLeod spent several months in the West and in April or May he returned "3,250 efficient men ready for service when called for";² at Coldwater, Missouri, were 1,500 Indians and 500 whites under the command of J. B. Stewart, formerly of the United States army; at Chicago, 560 Irish Catholics, under command of A. Smith; on the Desplain River were 250 men under Colonel

1. Lindsey, II, 236, note.

2. *Ibid.*, 236.

W. R. Miller; at Kankakee, 140 French Canadians under Francis Brodieau; along the Illinois and Fox Rivers were 300 Canadians, Dutch, and Irish to be commanded by Major Luddington.¹

Besides the men reported by General McLeod, Handy mentions many others that were available. "Of the several tribes of Indians," says Handy, "in the states of Mississippi, Illinois, Missouri, and Wisconsin Territory, and west of the Mississippi River, I have a general knowledge, and for reasons hereafter to be explained, I have a social and friendly alliance with them."² All that was necessary to secure their assistance according to his views was the means to clothe and pay them. From the situation in the West, General Handy turns to Canada. "From the enrollment of the returns from the Upper Province during the last summer," he says, "which amounts to 38,000, I can safely calculate on 4,000 efficient and determined men."³ The greatest difficulty connected with this new project was the lack of money. "If I should succeed," he further says, "in obtaining my anticipated means, I can purchase from a factory 30,000 stand of muskets, by paying one-fourth in advance and the remainder on credit."⁴ But as with the previous schemes of General Handy for the invasion of Canada, so with this one, it failed to materialize; no doubt the project collapsed for want of money.

Finding it beyond their power to obtain the means necessary to equip and pay an army for the invasion of Canada, the Hunters determined upon a new line of procedure for keeping up the excitement along the border with the hope of ultimately involving the two nations in war. In a letter of General Brady to Colonel Airey who commanded the Canadian frontier, we learn that the Hunters "intend to commence operations about the time the farmers commence planting their corn, and that their plan is to send over small marauding parties to burn houses, and destroy other prop-

1. *Ibid.*

2. *Ibid.*, 237.

3. *Ibid.*, 237.

4. *Ibid.*, 238.

erty, in hope of producing retaliation, and thus keep up excitement until the Governments are induced to call the militia into service."¹ The base of operations for these border depredations was the St. Clair and St. Lawrence rivers.²

The war fever, however, which the Hunters hoped to excite was somewhat checked by a temporary adjustment of the northeast boundary dispute. Early in the year 1839 the State of Maine and the province of New Brunswick were fast approaching actual hostilities. The Government felt alarmed at the prospects of a formidable war, though little had been done during the twenty-four years of peace to meet such an exigency. Two bills were introduced in Congress, one authorizing the President to call out the militia for six instead of three months, and to accept 50,000 volunteers; the other, appropriating \$10,000,000 extra for the President's use. Major General Scott, who had been actively engaged during the winter in quieting the disturbances on the frontiers, was dispatched to the region of contention to prevent, if possible, an armed conflict. The General met with success; having procured from the two contending parties a temporary withdrawal from the territory in dispute, awaiting a final adjustment of their respective territorial claims, by negotiation, between the governments of the United States and Great Britain.³

It was hoped in England that this abandonment of hostilities in Maine would have a quieting effect all along the border, and that the "general expectation and desire for war," would cease;⁴ but in this the British were to be disappointed. Though it threw a temporary gloom over the cause, the agitations of the Hunters still continued. As the 4th of July approached there were apprehensions of another invasion; vague rumors of new depredations kept the border region in a restless condition. The eventful day passed, however, without any evil consequences; but the programme

1. Brig. Gen. Brady to Col. Airey, May 4, 1839, *Parlt. Rep., Canada*.

2. Col. Airey to Capt. Halkett, May 6, 1839, *ibid.*

3. Scott's "Autobiography," II, 333-352.

4. Marquis of Normanby to Sir George Arthur, May 7, 1839; *ibid.*, May 18, 1839, *Parlt. Rep., Canada*.

✓ of the Patriots for the season was carried out: small ma-rauding bands continued their work throughout the summer and fall; bank robberies, mail robberies, the burning of houses and public buildings with now and then a murder kept alive the excitement, intensified the bitter feelings along the frontier, and augmented the spirit of retaliation.

Another disappointment that came to the Patriots during the summer of 1839 was the trial and conviction of William L. Mackenzie. Though Mackenzie had been arrested and placed under bonds early in January, 1838,¹ for some reason, the trial was postponed until June 20, 1839. It lasted two days. The indictment under a law of 1794, and another of 1818, charged the defendant with setting on foot a military enterprise, at Buffalo, to be carried on against Upper Canada at a time when the United States was at peace with her Majesty; with having provided the means for the prosecution of the expedition, and with having done all this within the territory and dominion, and against the peace of the United States. After the evidence for the prosecution was concluded Mackenzie addressed the jury for six hours; he defended himself with ability; he recalled the work of the French during the American Revolution; what the United States had done for, and in, Texas; he dwelt at length on the desire of the Americans to obtain Canada and rehearsed the sayings of leading Americans, and made numerous references to their writings on the subject; he even appealed to their sympathy and love of freedom. "I think it hard," he said, "to be singled out and dragged here at this time; but as I require an asylum in your country, I am bound, and I do sincerely wish to pay the utmost respect to your laws. Indeed it is admiration of your free institutions, which, strange as it may seem, has brought me here to-day." The jury, however, after three hours' consideration brought in the verdict of "guilty." He was sentenced to be confined in the county jail of Monroe for eighteen months, and pay a fine of ten dollars.²

1. Lindsey, II, 163.

2. *Ibid.*, 244-252.

Later in the year, General Rensselaer Van Rensselaer was brought to trial; convicted of having violated the neutrality law, and sentenced to a year's imprisonment and a fine of \$250.¹ This conviction and imprisonment of the leading Patriots, and the trial of numerous other persons who had taken an active part in the cause, greatly incensed the Hunters. Their sentiments are well expressed in a letter from Brigadier General McLeod to Rensselaer Van Rensselaer while in Albany prison. "Let the political sages of this great Republic," says McLeod, "palliate or varnish over the verdict of the United States court, as plausibly as they please, yet the law which dooms the Canadian Patriots to fine and imprisonment, is, to say the least, a foul blot on the pages of the statute books of the Federal Government; and a deep stain on the formerly fair beauties of the National Constitution. This Sentence, openly and decidedly, approves the invasion of your country, and the murder of your fellow citizens at Schlosser—and of the murders committed by Prince at Windsor, the execution at London, U. C., Niagara, Toronto, and Kingston. But worse than all, the transportation of free-born American citizens to Van Diemen's Land for life."²

During the fall the clouds seem to lift somewhat. News reached the Patriots from England that the Chancellor of the Exchequer had declared in the House of Commons that the Canadian revolution had already cost Great Britain upwards of \$10,000,000, and that the continuance of such expense could not long be borne. They further learned that John G. Parker, and seven other leading Patriots who had been banished by Governor Arthur had been liberated in England, and were on their return home.³ Word also came that Governor Sir John Colborne had been recalled because of the severity with which he treated the French Canadians engaged in the revolution, and that Governor Arthur had been strongly censured for having executed the brave patriots, Lout and Matthews; and it was confidently expected

1. Van Rensselaer Narrative, Bonney, II, 112-113.

2. McLeod to Van Rensselaer, Nov. 20, 1839; *ibid.*, II, 115.

3. Lindsey, II, 233-235.

that he too would soon be dismissed and follow Governor Colborne.

This with other information of a gratifying character was embodied in a circular entitled, "Glorious News for the Patriots," and sent out, from the Safety Committee Room, Aug. 18, 1839, for the encouragement of the Patriots. The views of the committee concerning the attitude of England toward the provinces is thus summarized:

"The frankness of the Chancellor of the Exchequer in stating that the Canadas could not be long held by Great Britain, under such heavy yearly expense; the manner Messrs. O'Connell and Leader, both in the confidence of the ministry, advocate in the House of Commons the course pursued by the Lower Canadians; the certain dismissal of Governor Colborne, in consequence of ill-treating the French Canadians, suspected of being concerned in the rebellion;—the strong language made use of in the House of Commons by Mr. Charles Buller, relative to Governor Arthur's conduct in executing Lout and Matthews;—the daily censure heaped upon the latter functionary by the authorities in England, for the tyranny which has characterized all his past acts (whenever he had patriot prisoners in his power);—the liberation of that useful and leading patriot, John G. Parker, and others;—the restoring to office of the Lower Canadian judges, dismissed by Governor Colborne for allowing bail to patriot prisoners confined under Sir John's martial law;—the attention paid to Lord Durham's official report in England (which is most unquestionably in favor of the discontented in the Canadas);—with many other similar facts, all go to strengthen the Committee in their well-grounded belief, that whatever those who wield the power in Great Britain may openly say relative to holding the Canadas, they very prudently, and with an eye to their alarming troubles at home, secretly desire to rid themselves of these expensive colonies, the assertion of all the tory tyrants therein to the contrary notwithstanding."

"We shall no doubt be told,"

says the committee with reference to the attitude of their own government,

"That we are engaged in a cause calculated to create ill feeling between Great Britain and the United States, that may ultimately bring on a national war between those two powers. Anticipating such an objection by some few citizens against the patriot cause,

the Committee, in reply, do not hesitate to say, that Great Britain, with her alarming difficulties at home, will not venture a war with the United States Government, in consequence of citizens of the latter taking possession of a territory four thousand miles from England, which costs the latter millions of dollars yearly more than its worth, and which they no doubt wish to get rid of; but suppose on the other hand, that Queen Victoria should be advised to declare war against Uncle Sam, pray tell us, ye wise men, what she would gain by such a step. The Committee say, nothing whatever. What than would she lose? All her North American Colonies. Besides, would not a war firmly unite the Southern and Northern States? Would not the question relative to Maine, and other disputes, be finally settled in less than a month after a declaration of war? Would the Canadas remain a day under Great Britain? Nay; but why dwell on this subject?—there is no danger, if danger it can be called, of such being the case.”

The Committee was not at the time decided on the policy to be pursued in the future, but for the time being it was thought advisable to reorganize on a more secret basis, and that no place taken possession of in the Provinces should “be permanently held” while so large a military force continued in the Canadas; and while the authorities there believed that the home government desired further defense of the colonies.¹

During the following months representatives from the various Hunter lodges met in convention at Lockport, N. Y. Here on the 28th of September eighteen delegates convened “to consult upon the plan that should be adopted by the ‘Patriots’ to carry their wishes into effect.” Four of the delegates were from the Canadian lodges. From them it was ascertained that considerable disaffection still existed there; that many arms had found their way into the provinces and had been concealed in convenient places for the use of the Patriots when needed; and that in case of an attack upon Canada “700 men, free of expense,” could be furnished. From the American delegates it was learned that 3,000 men could be relied upon for making another invasion. As for equipment, it was stated that 700 stand of arms

1. Hunter circular found in enclosure of Sir Geo. Arthur to Marquis of Normanby, Oct. 15, 1839, Parlt. Rep., Canada.

U. S. A.

was at Buffalo; that a quantity of arms and six pieces of cannon were back of Detroit; while at Oswego there was a considerable quantity of ammunition and some cannon. The better portion of the delegates thought that the system of burning houses should be abandoned; but that the burning of "the barns of the Tories" might be continued to good advantage. It was also decided to postpone "the destruction of the English church at Toronto, until its completion." The "Dunham meetings," which had begun in Canada for the purpose of advocating the union of the provinces and certain reforms, were highly commended by the Hunters, "as it enabled the 'patriots' in the provinces not only to assemble publicly but privately also"; and it was advised that they should be held at as many places as possible.

And finally it was decided to make another invasion of Canada. Detroit was again selected as the place of departure; and the assembling of the forces and the munitions of war for this expedition was to begin "as soon as the canal-boats should be laid up." It was mentioned as their plan, that so soon as the Patriot army landed at Windsor, the disaffected in the various districts of the provinces should rise for the purpose of distracting the attention of the Government, and preventing its sending troops to the West. It was thought that if the Patriots could make a stand for a few days, they would be joined by great numbers of persons from the States who were only waiting for such an opportunity to go over to Canada. It was said that Generals McLeod and Sutherland had already left for the West to make preparation for the attack; and that Lett had gone to Oswego to make arrangements for the destruction of the steamer *Great Britain*. It was expected that she might be detained in that port over night by stress of weather when her destruction might easily be accomplished.¹

But enthusiasm for actual invasion had subsided; plans might be formulated, and rumors of new raids might for the moment harass the border populations; but no body of men could be found who were ready openly to meet the armed

1. Report of spy found in enclosure of Sir Geo. Arthur to Marquis of Normanby, Oct. 15, 1839, *Parlt. Rep., Canada*.



forces of the British which were established along the entire Canadian frontier; though incendiarism and robbery seem to have been common during the years 1839 and 1840. On April 14, 1839, we learn that the British at Prescott had fired upon the steamer United States on her first trip out for the season;¹ on the 22d instant, the American schooner Gerard while at Port Colborne on her way through the Welland canal, was boarded by Canadian militiamen who insulted the captain and committed certain depredations;² on the 25th instant the British steamer Traveller was outraged by Americans while lying at Charlotte, New York; while on the 28th instant the mails were robbed near Kingston by Canadian refugees or their American sympathizers.³ In June several violations of a similar character took place;⁴ while in July the incendiary laid in ashes many a building of his neighboring Tory;⁵ again on September 17th, we are informed that "some robberies of a daring kind have been committed within the last fortnight on the rivers St. Clair and St. Lawrence; and four days ago the Episcopal church at Chippewa, on the Niagara frontier was burned by incendiaries," who were supposed to have come from the United States.⁶

Now and then throughout the winter and the following year similar depredations were committed, though the instances recorded are fewer in number and pertain more to property of a public nature such as the attempt to destroy Brock's monument in April, 1840;⁷ and to blow up the locks in the Welland canal in September, 1841.⁸

Many things during these years conspired to embarrass and hinder the Hunters in their raids across the border: the military organization of Canada had been greatly increased since the outbreak of the rebellion, and the forces were so

1. Niles, LVI, 129.

2. *Ibid.*, LVI, 180.

3. *Ibid.*, LVI, 306.

4. *Ibid.*, LVI, 225, 243, 264.

5. *Ibid.*, LVI, 306, 320, 322.

6. Sir Arthur to Marquis of Normanby, Sept. 17, 1839.

7. Sir Arthur to Lord John Russell, Apr. 24, 1840.

8. Johns Hopkins Series, XVI, 115.

Continued from p. 101

well distributed that no project of importance could be undertaken in Canada by the refugees without their being discovered and summarily dealt with; the United States, also, maintained a military force along the border which, with the assistance of the numerous federal officers on the frontier, kept a vigilant watch and prevented the assembling of any organized band of Patriots; the courts, too, were busy during the years of 1839 and 1840 in dealing out justice to all violators of the neutrality laws. The readjustment of the provinces which was beginning in Canada for the moment released the political strain imposed upon the Government by the rebellion; while in the United States all other questions for the time being were either brushed aside by the whirlwind that characterized the presidential campaign of 1840, or swept into the vortex of the movement.

XI. POLITICS.

Upon few Presidents have more unpopular duties devolved than upon Martin Van Buren. The financial panic of 1837 with the relapse of 1839 held the country in its melancholy grip throughout the four years of his administration: it produced political and partisan differences that for the time concealed the real causes of the disaster; and led to such demands upon the Government as to tax the courage of the Executive to its full extent. Closely associated with the panic and in large measure growing out of the financial disturbances of the times, arose the measures that resulted, after many series of tedious debates, in the establishment of the independent treasury system. The cessation of the distribution of the surplus revenues among the states furnished another ground of popular discontent; while the atrocities of an Indian war which lasted for seven years (1835-'42), resulting in the loss of many lives and the expenditure of millions of dollars, contributed to the cares that rested heavily upon the man of the White House. The Texas question and the Canadian situation also furnished fertile material for differences that taxed the skill and cour-

age of the Administration to its utmost; and resulted in much political disaffection.

In the midst of so many difficulties Van Buren bore himself bravely. The condition into which the country was thrown by the panic led to the calling of an extra session of Congress. In his message to this Congress the President took the ground that the Government could not help the people earn their living; but that it could refuse to aid the deception that paper was gold, and that value could arise without labor. "To avoid every necessary interference," wrote Van Buren, "with the pursuits of the citizens, will result in more benefit than to adopt measures which would only assist limited interests, and are eagerly, but perhaps naturally, sought for, under the pressure of necessary circumstances."¹ The clear logic and wise counsel of the President, however, appeared cool and heartless to a people who were suffering from financial prostration; and who had hoped to receive from the new Administration some measures for their relief.

The moneyed class was no less irritated because of the Administration's attitude towards the banks. In his message to Congress Van Buren called attention to the law of 1836 which required the Secretary of the Treasury to discontinue the use of such banks "as should at any time refuse to redeem their notes in specie." As all the banks had stopped such payment it was necessary that some other means be provided for the safe deposit of the revenues. To the demand for the reestablishment of a National bank he replied that quite the contrary should be done; that the fiscal concerns of the Government should be completely separated from all individuals and corporations and placed under the immediate supervision of federal officers,—in short, he asked for nothing less than the "independent treasury," which was adopted during the last year of his administration.²

The position taken by Van Buren in refusing the proffers of Texas for union with the states checked temporarily the itching of the Democracy for territorial aggrandizement; and gave offence to the slave power. While the policy of the Executive toward the movements upon the Canadian border

1. President's Message, Sept. 4, 1837.

2. *Ibid.*; U. S. Statutes at Large, 1840.

was, in like manner, received with bitter resentment by those who aspired to the freedom of the Canadas, and the establishment of republican government throughout the length and breadth of the North American continent.

As might be expected, the attitude of the new President with reference to these serious problems furnished excellent material for his political opponents. Public sentiment expressed itself at the ballot-box. Even so early as the summer and fall of 1837 the elections went heavily against the Administration, though in 1838 there seems to have been a partial recovery. New York became the center of the political contention. Here the gubernatorial election of 1838 was a life and death struggle with the Democratic party. The whole immense patronage of the State depended on the issue. Governor Marcy and Lieutenant Governor Tracy were the unanimous choice of the Democrats for a fourth term; while Wm. H. Seward and Luther Bradish became the Whig candidates for the same offices. Besides national questions, several issues of local importance came before the people of the State for settlement. The intensity of the political contest gave the Hunters an opportunity to manifest their disapproval of Governor Marcy's policy toward the Canadian question. We have already shown the attitude of the Governor in this matter: that while he pursued a hesitating policy at the beginning, he became more active after the burning of the *Sir Robert Peel*, even entering into hearty coöperation with President Van Buren in attempting to enforce the neutrality laws. As a consequence the Patriots voted against him. The election resulted in favor of the Whig candidates. The heavy Whig majorities in the western and northern counties where the Hunters were strongest surprised every one. Chautauqua gave about 2,200 majority; Erie 2,600; and Genesee more than 3,000; while Jefferson county, which the previous year had elected Democratic members, this year gave the Whig ticket a majority of about 600.¹

1. J. D. Hammond, "Political History of New York," II, 486, 487; J. S. Jenkins, "Lives of the Governors of N. Y.," 465; E. M. Shepard, "Martin Van Buren," 311; E. S. Brooks, "The Story of N. Y.," 222; E. H. Roberts, "New York," II, 595; F. Bancroft, "The Life of Seward," I, 72; *Democratic Review*, Jan., 1839, p. 8.

Throughout the campaign Mackenzie had held meetings in many of the larger cities in behalf of the Canadian cause. Only at Washington did he receive the cold shoulder. There the Administration used its influence against him. Two of the leading papers refused to print the announcement of his intended meeting. Some of the heads of the Departments even sent notes to their clerks ordering them not to attend the meeting.¹ This conduct on the part of those at the White House only increased the bitter feelings of the Patriots; and their resentment was manifest at the polls. Not only in New York but in other states the political influence of the Hunters was apparent. "Along all the rest of the frontier," says the *Democratic Review*, "where the reverse was the case, that influence unquestionably has told with a very serious effect against the Administration."²

The political hostility which manifested itself toward the Democratic administration in 1838 was renewed in 1839 and found full fruition in 1840. The partial industrial relapse of 1839 which befell the first manifestations of relief from the panic made all attempts at political recovery on the part of the Democrats impossible. "Woe to Martin Van Buren," the war cry of the Hunters, was the key note of the campaign.³ The Whigs under the leadership of General William Henry Harrison, the war veteran of 1812, and John Tyler, began the log cabin and hard cider campaign with an assurance that portended a sweeping victory. In the election that followed Harrison received 234 electoral votes, and Van Buren sixty. Thus ended one of the most picturesque campaigns ever held in the United States.

New York rolled up 13,300 more votes for Harrison than for Van Buren; "but a large part of this plurality, perhaps all, came from the counties on the northern and western borders."⁴ Here again are found strong evidences of the Hunter influence.⁵ The imprisonment of Mackenzie and

1. Lindsey, II, 225; Niles, LV, 193.

2. *Democratic Review*, Jan., 1839, p. 8.

3. Bonney, "Historical Gleanings," II, 126.

4. Shepard, "Martin Van Buren," 334.

5. *Ibid.*; Mackenzie, "Life and Times of Van Buren," 282; "Reminiscences of Charles Durand," 390; Jenkins, "Life of Silas Wright," 127; Niles, LIX, 198; Lindsey, II, 270; Sir Arthur to Lord Glenelg, Feb. 19, 1839.

Van Rensselaer, and the severe treatment of the former during confinement, called loudly for vengeance; and although the President finally yielded to the influence of petitions signed by 300,000 persons for his release, it came too late to change the vote of the Patriots on the border.¹

Another element that contributed to the large Whig vote in the Hunter districts was the dismissal of General Solomon Van Rensselaer, the father of the Patriot leader at Navy Island, from the Albany post-office. The Administration had accused Postmaster Van Rensselaer of "con-
niving at, and abetting his son in the insurrectionary movement in the provinces."² Moreover, early in March an article appeared in one of the Albany papers stating that the General had "tendered his services as senior major general of the New York State infantry to the Commander-in-chief in the event of a war between England and America."³ Whether because of this seeming interest in his son's command in the Patriot army, or because of political exigencies we find the old general receiving word about the middle of March, 1839, by direction of the President, that "the Public Interests will be promoted by a change of Post Master at Albany."⁴ General Van Rensselaer had held the Albany post-office ever since Monroe's administration; and this removal was made use of by the opposition party to the injury of Van Buren. Van Rensselaer took an active part in the Whig campaign. He was elected a delegate to the Whig national convention, and played an important part in securing the nomination of his old comrade in war.⁵ During the campaign he travelled extensively throughout Ohio and northern New York, where he wielded the whole influence of his respected character for the election of his old friend, and against the man who had thrust his son into prison and dismissed himself from an office which had been given him for his heroism in the field—an office which he had been al-

1. Lindsey, II, 253-268.

2. Bonney, II, 106.

3. *Ibid.*

4. *Ibid.*, 109.

5. *Ibid.*, 117, 118.

lowed to retain so many years irrespective of party politics.¹ The presence of the senior Van Rensselaer was everywhere the occasion of a large and enthusiastic gathering; and the 13,300 plurality vote in New York was due, in some measure at least, to his influence, and that of the Patriot followers of his less distinguished son.

Although the Whig party was ready to avail itself of the prejudices of the Hunters in the campaign of 1840, it was in reality no friend to the Canadian cause. Even Seward, who had been elected Governor of New York in 1838, acted in sympathy with Van Buren on the border difficulties;² and when the British minister at Washington called on the Government of the United States for the liberation of Alexander McLeod, who had been arrested in New York on the charge of murder and arson in connection with the destruction of the *Caroline*,³ the President acted in unison with Governor Seward in maintaining the right of the State of New York to bring McLeod to trial in her own courts.⁴ With the change of administration in 1841, the British minister immediately renewed the demand for the release of McLeod on the ground that the acts for which he had been arrested were of a "public character, planned and executed by her Majesty's colonial authorities."⁵ Daniel Webster, Secretary of State, under the new Administration, was inclined to the English view, but acknowledged that the President had no power to stop a proceeding in a State court. He sent Attorney-General Crittenden to consult with Governor Seward regarding the demands of Great Britain; the advisability of a change of venue for the prisoner; the need of retaining skilful and eminent counsel; and to press upon the Governor the earnest desire of the President to have the case brought before the Supreme Court of the United States.

The people of New York, however, were of a different mind. The prejudice there against Great Britain was in-

1. *Ibid.*, 194.

2. F. W. Seward, "Life of W. H. Seward," 401.

3. Nov. 12, 1840.

4. F. W. Seward, "Life of W. H. Seward," 519.

5. Fox to Webster, Webster's Works, VI, 247, 248.

tense. The Democrats in 1838 had paid the penalty of fulfilling international duties in opposition to this prejudice; and Governor Seward was not insensible to the popular verdict. The sentiments of the border population of the State were, no doubt, expressed by Mr. Levi Hubbel in the State Legislature when he said: "There is not power enough—there is not gold enough in Great Britain to take this man's body out of the county of Niagara, until he shall have gone through the form of a trial."¹ The people of New York who had sympathized with the Patriots, neither knew nor cared a fig either for constitutional or international law. They regarded the arrest of McLeod as a rare opportunity to take vengeance on one who, it was believed, had made it dangerous for them to participate in the revolutionary movement. When an attempt was made (Jan. 27, 1841) to bail McLeod out of the Lockport jail, several hundred citizens met and demanded that he should not be liberated. His bondsmen were required to withdraw their names from the bail, and did so. According to a correspondent of the times, a cannon was brought in front of the court house about midnight, "and commenced firing, and made the glass fly in the court house, to the amusement of the *patriots*." "What must have been McLeod's feelings," says our writer, "not knowing what was going on during the seven hours the court house was full?"²

The arrest and retention of McLeod greatly incensed the English people; and their Government, after demanding his release, entreated the President "to take into his most deliberate consideration the serious nature of the consequences which must ensue from a rejection of this demand."³ On being refused her request Great Britain began to prepare for war. In a private letter of Mr. Harcourt to Mr. Webster he said: "As to McLeod's case, I assure you there is in this country but *one* feeling on the subject among all parties and all ranks, that, if he should be condemned, it would be such an outrage on international justice, that we must throw

1. Apr. 17, 1841, Niles, LX, 135.

2. Niles, LIX, 304, 384; Seward's Works, II, 551, 552.

3. Webster's Works, VI, 249.

away the scabbard at once."¹ Word also reached Webster from the United States minister at Paris that a large portion of the British fleet in the Mediterranean was to prepare to move to Halifax; that unusual energy was being displayed in the English navy yard; and that fourteen steam frigates would be upon the American coast by June, if necessary.² Even France grew solicitous for a season, fearing that in case war should break out between Great Britain and the United States she could not long remain out of the contest.³ By the middle of the summer Congress, also, became quite alive to the situation. Lake defenses, improvement of harbors, fortifications, war steamers, enlargement of the navy became topics of interest; while the attitude of the Administration with reference to McLeod and the Caroline affairs was debated in Congress with considerable vehemence.⁴

On the border the excitement was intense. After the decision of the Supreme Court of New York refusing to dismiss the McLeod case from the State courts, the *Montreal Courier* declared that "the time has now arrived when there can be no more dallying about the matter; and if our neighbors will persist in their assumptions, let them take the consequences, for however much we should deprecate a war with them under different circumstances, the sooner we decide this question the better. If war must come, let it come at once, for it is very evident unless we settle all our disputes now, it will only be putting off the evil day to a period when we may not be so well prepared to deal with our wilful and headstrong neighbors."⁵

The possibility of war gave courage to the Hunters, and they began anew their work of intrigue. Early in July we find President Tyler addressing a note to Webster concerning them; and the steps he had taken to secure information regarding their movements, with the necessary precautions to prevent, if possible, further disturbances upon the border.⁶

1. March 12, 1841. Curtis, "Life of Webster," II, 62, note.

2. Gen. Cass to Webster, March 5, 1841, *ibid.*, 62.

3. *Ibid.*, March 15, p. 63.

4. *Congressional Globe*, 27—1, Vol. VIII, *see index*; U. S. Stat., V, 460.

5. Niles, LX, 368.

6. L. G. Tyler, "Letters and Times of the Tylers," II, 211.

Later in the month Webster in a private note informed the President that he had learned, "pretty fully" the real objects and plans of the Hunter lodges which existed "all along the Northern frontier, from Maine to Wisconsin." According to Webster's note, the Hunters were in constant correspondence with the disaffected in Canada; and that these disaffected persons often came over to harangue them in their secret meetings; that they did not expect to invade Canada with any hope of success unless war should break out between Canada and the United States, an event they desired "*above all things*"; that to bring about war they were ready to join "in any violence, or outbreak," even to attempt violence upon McLeod on his way from prison to the place where the court might sit, or after the trial, in case he should be discharged by the court. He further stated the Hunters numbered not less than 10,000, that officers were already designated for the command of their volunteers; and that in case of war they were "to unite themselves to the disaffected in Canada, declare the Province free and set up another Government." "It becomes us," wrote Webster, "to take all possible care that no personal violence be used on McLeod. If a mob should kill him, war would be inevitable, in ten days. Our duty, is . . . to have officers all along the frontier, in whom we have confidence, and let them understand that there is danger."¹

The trial of McLeod was set for the 27th of September. In the meantime there was much disquietude along the border. Vague rumors of a plot to assassinate the prisoner were circulated: that for this purpose the state arsenals had been forced; several field-pieces secured, and secreted in canal-boats; that supplies of ammunition had been obtained in New York City and conveyed to the vicinity of Utica; that it was the intention of the conspirators to assemble at Whitestown where McLeod was confined, surround the jail, demand his delivery from the keeper, and, in case of refusal, to affect an entrance by means of artillery, seize McLeod, and instantly "lynch" him.² On the other hand, it

1. C. H. Van Tyne, "Letters of Daniel Webster," 232.

2. Seward's Works, II, 578.

was rumored that the Canadians were forming a plot to rescue McLeod from prison and abduct him out of the country;¹ and there were found in the prisoner's bed a small saw, two small files, two chisels, and other means for effecting his escape.²

As the day of the trial approached the excitement grew more intense. With the news that the Canadians were building strong vessels on the Lakes preparatory to a sudden blow upon the United States, came the report that the secret organizations on the American side were preparing to disturb the peace with Great Britain.³ With the information that James Grogan, of Lockport, had been seized near St. Albans, Vermont; wounded by a bayonet; gagged, and dragged across the border by a party said to be composed of dragoons and volunteers from Canada, came also the news of the Hunters' attempt to blow up the locks on the Welland canal; and of their attempt, from Navy Island, to fire upon the British steamships, *Minos* and *Toronto*, with a field-piece which had been taken from the American shore for that purpose.⁴

Beneath this large amount of rumor danger seemed to lurk. It seemed to those in authority that we were treading upon half-smothered embers which might burst forth at any moment into a dangerous flame. This intense solicitude, however, begot prudence. It was under these circumstances that President Tyler issued his proclamation, already referred to in a previous chapter, calling upon the Hunters to disband.⁵ At the same time General Scott was informed that these disturbances on the frontier must be suppressed, otherwise we should "ere long be engaged in an inglorious warfare, of incursions and violations, ending in general hostilities."⁶ Governor Seward, likewise, took precautionary steps. A guard of thirty persons was stationed at the jail

1. Niles, LX, 53.

2. *Ibid.*, 88.

3. Johns Hopkins Univ. Series, XVI, 115.

4. F. W. Seward, "Life of W. H. Seward," 566.

5. Chap. x.

6. Johns Hopkins Univ. Studies, XVI, 118.

to protect McLeod until his case should be decided; and a volunteer infantry company of a hundred men was enlisted, organized, equipped and held in readiness by the sheriff for any emergency; while General Scott ordered a company of regular troops at Rome to move to Utica at once should their services be needed; and Brigadier General Wool was to be present at the trial to give assistance and advice to the sheriff whenever called upon.¹

Finally the day of trial arrived: the Court of Oyer and Terminer was duly opened, Judge Gridley presiding; and on the 4th of October, the case was opened. Utica was full of visitors and strangers. Mackenzie was there, so was General Sutherland, and other participators in the frontier troubles. The court room throughout the trial, which lasted from the 4th to the 12th of the month, was crowded, but perfect order was maintained; and when the jury brought in a verdict of "not guilty," "all was hushed and quiet—no excitement visible anywhere."² McLeod, under the Governor's direction, was safely and quietly taken to the frontier; placed on board the steamboat *Princess Victoria*, and taken to Montreal, where he was received with open arms and loud cheers by the immense throng that awaited him.³

McLeod's acquittal relieved the strained situation; the war fever rapidly abated. One source of international embarrassment was ended, and the way opened for the friendly negotiations of Webster and Ashburton at Washington, a few months afterwards, where wisdom and diplomacy prevented two great nations from breaking the peace of the world. Neither country desired war; what each wanted so far as anything savoring of aggressiveness was concerned was to be let alone. Now that the real danger was passed England ceased her preparations for war, and gradually reduced the British force on the Lakes; and the United States, now that the war scare had collapsed, soon turned her attention to inland commerce and to politics instead of frontier defences.

1. Seward's Works, II, 560-586.

2. Niles, LXI, 119-125.

3. *Ibid.*, 128.

Though both nations were ready to enter into friendly conferences regarding their differences, there still remained on either side the Lakes a war party ready to fan the flame of discord. On the last of November we learn from Mr. Fox that the Hunters still threatened the provinces with hostile incursions from "within the frontier of the United States";¹ while early in the following year a conspiracy was formed by the Hunters to reenact the McLeod fiasco. The intended visit of Lord Ashburton to the United States was a matter of considerable interest to the people of both countries early in the year 1842. On its success depended the settlement of several very delicate questions. The chances of an international quarrel were likely to soon pass away, and with them the opportunities of the Hunters to free the Canadas. Just before the arrival of Lord Ashburton to this country it was arranged with one John Sherman Hogan, a Canadian journalist who resided at Hamilton, that he should be arrested in New York as a party to the Caroline outrage; and after his committal, he was to make a public confession of having been a participator in the affair, and throw himself on the protection of the British Government. Hogan was twice arrested at Rochester; but after having undergone a judicial investigation he was discharged without even being compelled as McLeod had been to undergo a term of imprisonment.² ✓

This was the last expiring effort of the filibusters to bring about a war. Lord Ashburton arrived on the 4th of April and on the 9th of August, 1842, the Treaty of Washington was signed whereby all matters of difference between Great Britain and the United States were amicably adjusted. In Canada the agitation and turmoil that accompanied the readjustment of the provinces gradually wore away; the prisoners who had been committed to confinement or banishment on account of political offences were finally liberated, and, in due course of time, restored to political and constitutional favor; while in the United States the return of commercial and industrial prosperity lifted the dark cloud

1. No. 20, Notes to State Department.

2. Lindsey, II, 280.

of discontent that had enveloped the nation throughout the whole period of the Canadian troubles; and opened to the unemployed class new opportunities for personal achievement and financial aggrandizement. The brief excitement that surrounded the Oregon question several years later seemed, for a season, to afford hope to the Hunter that he would again find employment for his talents; but that danger too passed away, and with it the last of the Hunters, though his legitimate successor has been known to us in more recent times under the guise of the Fenian raider.¹

1. Dent, "The Upper Canadian Rebellion," II, 300.

ERRATA.—In preceding pages, note following corrections:

Page 1, note 2. For "He worked his way through college," etc., read: "All his studies have been pursued in resident work at Michigan University," except one summer in Chicago University.

Page 18. For "Biddle" read "Bidwell."

Pages 18, 22, 30, 65, 97, 98. For "Lout" read "Lount."

Page 30. For "Von Egmont" read "Van Egmond."

Page 32, note 1. For "Wm. Symon" read "Wm. Lyman."

Page 44. For "Mount Clements" read "Mount Clemens."

Page 45, note 6. For "J. Price" read "J. Prince."

Page 51. For "George" Van Rensselaer read "Henry" Van Rensselaer.

Page 66. For "Pamela" read "Pamelia."

Page 67. For "Paul Fry" read "Paul Pry."

Page 73. For "Parker," collector of duties at Buffalo, read "Pierre A. Barker."

On p. 18, John Montgomery is spoken of as thought put to death. His death sentence in 1838 was commuted to transportation for life. In 1843 he was pardoned, and he returned to Toronto, where he continued to reside for many years. He died at Barrie, Ont., Oct. 31, 1879, in his 96th year.

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